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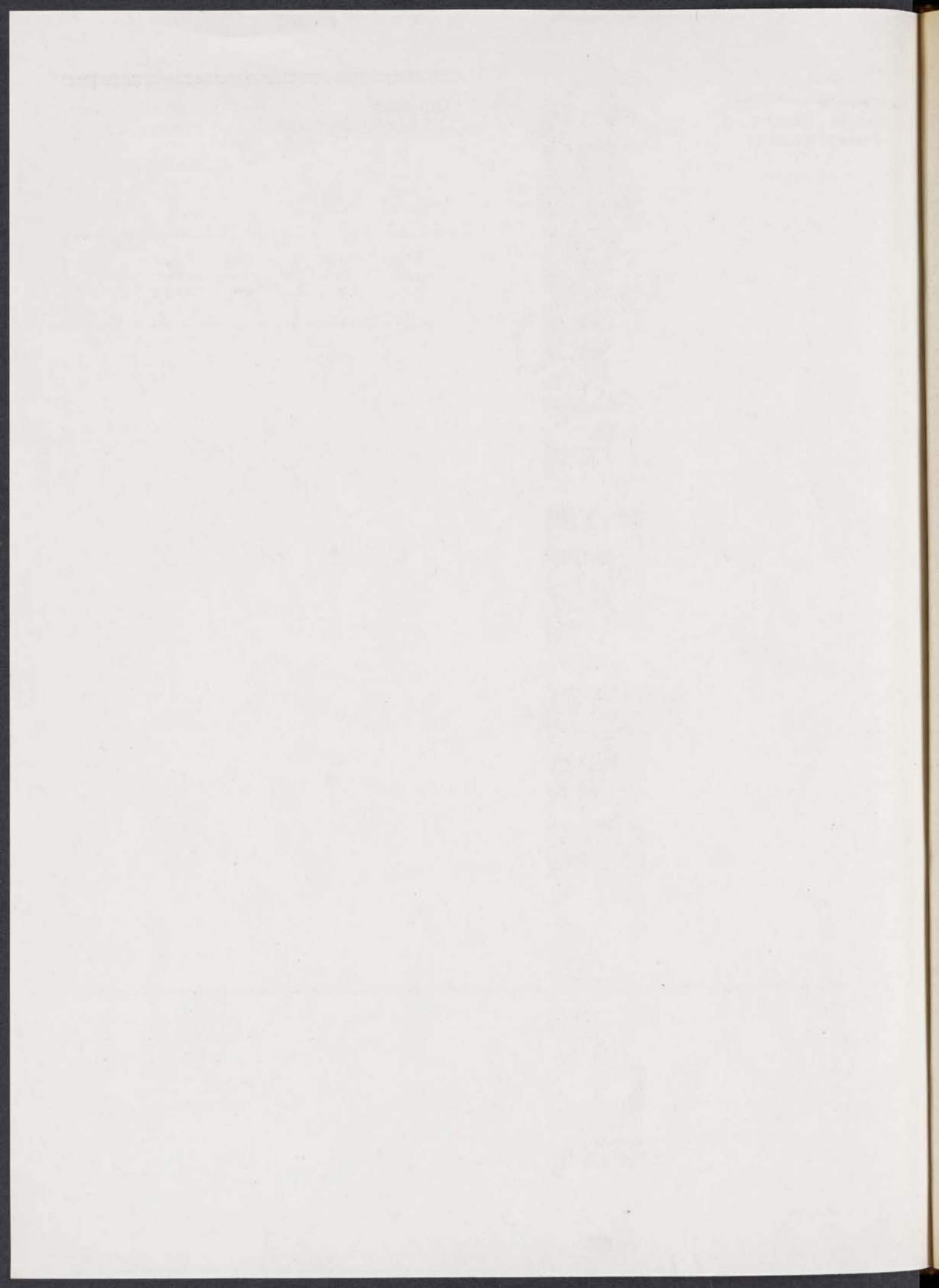
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Briefing on How To Use the Federal Register
For information on a briefing in Washington, DC, see
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WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
 2. The relationship between the Federal Register and Code of Federal Regulations.
 3. The important elements of typical Federal Register documents.
 4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

- WHEN:** January 30, at 9:00 a.m.
- WHERE:** Office of the Federal Register,
First Floor Conference Room,
1100 L Street NW., Washington, DC.
- RESERVATIONS:** 202-523-5240.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 630

RIN: 3206-AD69 and 3206-AD70

Absence and Leave; Voluntary Leave Transfer and Voluntary Leave Bank Programs

AGENCY: Office of Personnel
Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing final rules governing the leave sharing programs authorized by Public Law 100-566—the voluntary leave transfer program and the voluntary leave bank program. These rules set forth procedures under which potential leave recipients may submit applications and establish rules for employing agencies to administer the programs. The voluntary leave bank program operates only in the approved agencies and administrative subunits announced in the Federal Register on July 28, 1989 (54 FR 31398). Both leave sharing programs will terminate on October 31, 1993.

EFFECTIVE DATE: January 29, 1990.

FOR FURTHER INFORMATION CONTACT: For information on the voluntary leave transfer program, Martha Hoeft, (202) 632-5056; for information on the voluntary leave bank program, John P. Cahill, (202) 632-5056.

SUPPLEMENTARY INFORMATION: OPM published interim regulations governing the voluntary leave transfer program in the Federal Register on January 31, 1989 (54 FR 4749), providing that interested persons could file comments through April 3, 1989. Interim regulations governing the voluntary leave bank program and technical amendments to the interim voluntary leave transfer regulations were published in the Federal Register on April 28, 1989 (54 FR

18267), providing that interested persons could file comments through June 27, 1989.

We received comments on the voluntary leave transfer program from 17 agencies and 5 individuals. We received comments on the voluntary leave bank program from 3 agencies, 1 labor organization, and 1 individual. Several commenters addressed issues affecting both leave sharing programs.

Comments on Voluntary Leave Transfer Program

General. All of the comments received supported the establishment of the voluntary leave transfer program in the Federal Government. However, many of the suggested changes in the interim regulations would require a change in the statute and cannot be incorporated in the final regulations. Several agencies requested that OPM provide further guidance on various aspects of program administration. In response to these requests, OPM issued FPM letter 630-33 on October 4, 1989. Agencies should refer to this issuance to assist them in the implementation of the voluntary leave transfer program.

Section 630.902 Definitions

Four agencies requested that the definition of "medical emergency" be revised to specify that a medical emergency must be unforeseen and that the period of absence from duty does not have to be continuous. One agency requested that the definition indicate whether "normal" maternity situations and elective surgery are covered. We believe a "medical emergency" should be involuntary and beyond the control of the leave recipient. We recognize that some leave recipients are able to be at work on a temporary or intermittent basis while being affected by a medical emergency. The current definition does not preclude these employees from participation. In regard to "normal" maternity situations, the authority to determine whether an application to become a leave recipient meets the definition of "medical emergency" is delegated to each agency. However, we believe the intent of the law is to cover only those situations in which a serious medical illness or condition of the mother or newborn exists. We do not believe a normal maternity situation (i.e., without unusual medical complications) should be covered by the definition.

Two agencies suggested that the definition of "family member" be revised. One agency requested that the definition include adopted children, stepchildren, or foster children and their spouses. Another agency suggested that paragraph (e), which covers non-traditional relationships, be revised or eliminated altogether.

The definition of "family member" is derived from the definition of "immediate relative" used for funeral leave purposes. (See 5 CFR 630.803(d).) We recognize that there may be cases in which the traditional concept of a family relationship is not applicable, yet a close relationship to the leave recipient exists that is the equivalent of a family relationship. Examples include foster children and stepchildren. The determination as to whether an individual meets this definition is at the agency's discretion and should be made on a case-by-case basis. We do not believe it is necessary to revise the definition.

Section 630.904 Application To Become a Leave Recipient

One agency and one individual suggested that the term "other appropriate experts" be defined to include chiropractors, Christian Scientist practitioners, and psychologists. One individual suggested that an employee who is a Christian Scientist should not be required to submit a medical certificate from a physician in order to participate in the program. Another agency suggested that agencies have the authority to select physicians, such as agency medical officers or other appropriate experts, to document the medical emergency. We do not believe it is necessary to define "other appropriate experts," as used in § 630.904. Agencies already have the authority to determine the applicability of this term.

Section 630.905 Approval of Application To Become a Leave Recipient

One agency suggested that the words "at least" be deleted from the requirement for 80 hours of unpaid absence. Another agency suggested clarification of the term "available paid leave" for agencies that advance annual leave to employees at the beginning of the leave year under 5 U.S.C. 6302(d).

Another agency suggested that factors leading to the unavailability of paid leave be considered in the review of an application to become a leave recipient. Several agencies commented on the 10-day requirement for an agency to make a determination on the approval of an application to become a leave recipient. Agencies suggested that the 10-day requirement be based on the submission of a complete, fully documented application submitted by the employee. One agency suggested that agency review procedures should permit supervisory clearance for applications before referral to the administrative office for a final decision. Finally, one agency suggested that if one employee donates a sufficient amount of annual leave to the leave recipient, so that no more donations are necessary, the agency should not be required to solicit additional donations of annual leave from other employees.

We do not believe it is necessary to delete the words "at least" from the requirement for 80 hours of unpaid absence. Agencies that make available to employees all of the annual leave they will accrue during the leave year, at the beginning of the leave year, must still ensure that the employee has experienced at least 80 hours of unpaid absence in order to be approved as a leave recipient. One option for agencies that advance leave under 5 U.S.C. 6302(d) would be to retract that portion of advanced annual leave which the employee has not used so that the employee can begin his or her period of unpaid absence. (This issue is addressed further in FPM letter 630-33.) Each agency currently has the authority to establish procedures to determine whether an application to become a leave recipient is approved. If an agency wishes to consider why an employee is without available paid leave (such as misuse of leave), it may do so. However, we caution agencies to make sure that any allegation of misuse of leave is fully documented in the employee's personnel file. The 10-day requirement for an agency to make a final determination on an application to become a leave recipient is a statutory requirement. We believe it would be appropriate for an agency to require the receipt of a complete and fully documented application before it applies the 10-day response requirement. However, upon receipt of a complete and fully documented application, agencies must comply within the timeframe required by the statute and regulations, regardless of the internal clearance procedures established by an agency. There is no restriction in the statute or regulations that would require an

agency to solicit annual leave donations from additional employees when one individual employee's donation of annual leave meets the needs of the leave recipient. Finally, we are revising paragraph (c) of this section to make it clear that the 80-hour requirement applies to part-time employees and employees with an uncommon tour of duty in the same manner as the corresponding requirement in paragraph (b).

Section 630.906 Transfer of Annual Leave

Three agencies and one individual commented on this section of the interim regulations. Two agencies commented that OPM should establish a limitation on the period of time for which a leave recipient may retroactively substitute transferred annual leave for periods of LWOP or indebtedness resulting from advanced annual and sick leave. OPM cannot establish such a limitation because the statute permits the leave recipient to apply transferred annual leave retroactively to the beginning of the medical emergency, regardless of when it commenced. Agencies should refer to FPM letter 630-33 for further guidance.

One agency suggested revision of paragraphs (f)(1), (f)(2), and (f)(3) to clarify that only one of the requirements specified in these paragraphs needs to be met in order for interagency transfer of annual leave to occur. Another agency suggested that interagency transfer of annual leave should be permitted without regard to whether a sufficient amount of annual leave is donated from within the agency of the leave recipient. We agree that only one of the requirements listed under (f)(1), (f)(2), and (f)(3) needs to be met in order for interagency leave transfer to occur, but do not believe the regulation requires further clarification. Also, because interagency leave transfer creates administrative difficulties in some cases, we do not believe interagency leave transfer is desirable when the leave recipient has already received a sufficient amount of leave to meet his or her needs, unless the donation is made by a family member of the leave recipient.

One agency suggested revision of the term "accrued leave" to "accrued or accumulated leave." We believe this revision is unnecessary and could cause confusion if adopted. Also, it was suggested by an individual that the restriction on the donation of annual leave by a leave donor described in paragraph (d) be expanded to exclude donations of annual leave to any other person who will review or approve the

leave donor's performance plan or who has influence over any personnel action affecting the leave donor. Based on the Government's experience under this program to date, we have no reason to believe it is necessary to expand upon the current restriction.

Finally, one agency requested further guidance concerning leave recipients who transfer to another agency. It should be noted that under the voluntary leave transfer program, when a leave recipient experiencing a medical emergency transfers to another agency, the statute and regulations require that the unused donated annual leave transfer with the employee to the new agency for future use. The medical emergency does not terminate simply because of the transfer of the employee. This was not the case under the FY 88 temporary leave transfer program because under that program, the leave recipient's personal emergency was deemed to have terminated upon transfer to another Federal agency. OPM developed Standard Form 1150-A for agency use in this situation. (See FPM letter 630-33.)

Section 630.907 Accrual of Annual and Sick Leave

Fourteen agencies made significant comments and suggestions on this section of the interim regulations. In addition, we have received numerous telephone comments from agencies on the difficulty of administering this part of the program. Unfortunately, OPM does not have the authority to revise this section of the regulations because it reflects a statutory requirement. We have, however, addressed some of the issues raised by agencies in our FPM guidance (FPM letter 630-33). We also plan to incorporate some of the comments received in our report to Congress on the operation of the voluntary leave sharing programs.

Agency recommendations and comments addressed three basic concerns: (1) The purpose of provisions in paragraphs (a)(1) and (a)(2) that require agencies to maintain separate annual and sick leave accounts, which cannot exceed 40 hours each for each leave recipient; (2) the purpose of the separate sick leave account for leave recipients affected by a medical emergency of a family member; and (3) the effect of leave accrual for leave recipients whose medical emergency permits them to work on a part-time or intermittent basis.

Several agencies suggested that the requirements for establishing separate annual and sick leave accounts be eliminated completely. They

recommended that leave recipients should be able to use accrued leave (annual leave and sick leave, if appropriate) during the medical emergency, especially when annual leave donations from other employees are not sufficient. One agency indicated that it was not clear whether the leave recipient continues to accrue leave once the separate accounts accumulate to 40 hours. Another agency recommended that (1) the leave recipient should not accrue leave until after the medical emergency terminates, at which time the agency would credit the employee's account with the leave he or she would have accumulated; and (2) the agency should be permitted to credit the employee's annual leave account with unused donated leave. In cases in which the unused donated leave is insufficient, the agency could administratively fund the account.

The law and OPM's regulations provide that a leave recipient will earn annual and sick leave while using transferred leave, but only up to 40 hours of each, which are placed in separate accounts for use after the medical emergency ends. Once the separate leave accounts reach 40 hours, the leave recipient does not accrue any more leave while using transferred leave.

Some employees may be able to return to work on a temporary or part-time basis even though the medical emergency has not yet terminated. If a leave recipient is able to work some of the time, the annual and sick leave earned while the employee is working should be placed in his or her regular annual and sick leave accounts. Because the purpose of the leave transfer program is to allow employees who have exhausted all their earned leave to use leave donated by others, the leave recipient must use up any leave earned while working on a temporary or part-time basis before using any additional transferred leave. Agencies should note that any employee whose medical emergency is based on the sickness or disability of a family member cannot use sick leave to care for the family member. He or she need only exhaust any annual leave earned during the period of temporary or part-time work before using additional transferred leave. Even in this situation, however, the law requires agencies to set aside a maximum of 40 hours of sick leave (as well as annual leave) accrued while the leave recipient is using transferred leave. This leave must be placed in separate leave accounts for use after the medical emergency ends.

Section 630.908 Limitations on Donation of Annual Leave

One agency asked whether it is mandatory for agencies to establish written criteria for waiving the limitations on donating annual leave, as described in paragraph (c) of the interim regulations. Two agencies recommended either deleting or defining the term "unusual circumstances" in the same paragraph. The interim regulations require each agency to establish written criteria for waiving these limitations in unusual circumstances. OPM has delegated to each agency the authority to determine when an unusual circumstance exists. Agencies should refer to FPM letter 630-33 for further guidance. Two agencies recommended that the limitations on donation of annual leave described in paragraphs (b)(1) and (b)(2) be removed. OPM does not have the authority to remove these restrictions, since they are statutory requirements.

Section 630.909 Use of Transferred Annual Leave

One agency requested guidance as to whether it is necessary for a leave recipient to exhaust all of his or her sick leave when the medical emergency is that of a family member. Because current regulations do not permit an employee to use sick leave to care for a family member in most situations, the leave recipient does not have to exhaust his or her sick leave before using transferred annual leave. Another agency requested that the regulations specify that transferred annual leave can be used only for purposes related to the medical emergency. We agree that the purpose of the voluntary leave transfer program is to help the leave recipient offset the hardship caused by the medical emergency. Therefore, any leave donated and transferred to a leave recipient should be used only for that purpose. We do not believe, however, that it is necessary to revise the regulations to address this matter because the use of transferred annual leave is subject to supervisory approval, as is the case with annual leave in general. The agency has the responsibility for monitoring the use of leave by a leave recipient to ensure that its use is for an appropriate purpose.

Section 630.910 Termination of Medical Emergency

Five agencies commented that the language in the interim regulations does not include situations covering past medical emergencies. In these situations, transferred annual leave is applied on a retroactive basis to cover periods of LWOP and indebtedness

resulting from advanced annual and sick leave. In most cases, the employee has returned to work and is in a leave earning status. In some cases, the actual medical emergency has ended before the employee submits an application to become a leave recipient. In other cases, the medical emergency is ongoing at the time the application to become a leave recipient is submitted to the agency, but has since ended. This may result in the employee's return to work without enough annual leave donated to cover his or her entire period of incapacitation. We are revising the interim regulations to address this situation. Agencies will have discretionary authority to continue the period of time a leave recipient may receive donations of annual leave, even though the medical emergency has ended and the leave recipient has returned to work.

One agency suggested that the interim regulations should specify that a medical emergency shall terminate if the employee is covered by workers' compensation benefits administered by the Office of Workers' Compensation Programs (OWCP), Department of Labor. We do not feel this change is desirable because such a restriction could put some employees with job-related disabilities at a disadvantage with respect to other employees. Further, since workers' compensation payments cover only periods during which an employee has suffered a loss of pay, leave recipients participating in the Voluntary Leave Transfer and Voluntary Leave Bank Programs who use donated annual leave (or annual leave from an agency's leave bank) are not eligible to receive payment from OWCP for periods of time covered by such leave. Three other agencies requested guidance from OPM on how to handle the repurchase of leave for employees who are leave recipients under the voluntary leave transfer program. We believe that if a leave recipient elects to "buy back" annual leave as a result of a claim approved by OWCP, the amount of transferred annual leave bought back by the leave recipient should be restored to the leave donors.

Another agency suggested that the medical emergency should terminate as soon as the condition giving rise to the emergency ends, even if this occurs in the middle of a biweekly pay period. While this would permit the employee immediately to begin using the annual and sick leave set aside in separate leave accounts during the medical emergency, the employee would not earn any leave for the balance of that

pay period, since leave accrual is based on service during full biweekly pay periods. Therefore, we believe it is desirable to consider a medical emergency to be terminated as of the end of a biweekly pay period, as provided in the current regulations.

Section 630.911 Restoration of Transferred Annual Leave

One agency commented on this section of the interim regulations. The agency asked whether paragraphs (c) and (d) were the only situations in which the restoration of leave is not required. To OPM's knowledge, we are aware of one circumstance (in addition to paragraphs (c) and (d)) under which the restoration of annual leave to a leave donor is not necessary. It is possible that a leave donor may have left his or her employing agency subsequent to the donation of annual leave and cannot be located for leave restoration purposes. This possibility is covered by the "administratively feasible" provision found in paragraph (a) of this section.

It was also suggested that in situations in which unused transferred annual leave does not have to be restored to the leave donors (paragraphs (c) and (d)), the agency should be permitted to keep the unused annual leave for use by another approved leave recipient within the agency. The statute does not permit adoption of this suggestion.

Finally, the same agency recommended that the options of an employee to have restored leave recredited to his or her annual leave account or donated to another leave recipient, as described in paragraphs (e)(1), (e)(2), and (e)(3), should be based on when the leave is restored. It was suggested that the option in paragraph (e)(2) be made available to the employee only if the unused annual leave is restored after July 31 of the leave year. Because this is a statutory requirement, OPM cannot adopt this change.

Section 630.913 Records and Reports

One agency recommended that the reporting requirements include other demographic data to assist agencies in estimating the cost of the program. Another agency suggested that the requirements include the costs associated with applications that are disapproved, as well as time spent providing information to employees about the program. The regulations as written do not preclude agencies from maintaining whatever records that are useful in estimating program costs. However, we are revising the interim regulations to include three new

informational requirements: (1) The gender of each leave recipient, (2) the number of leave recipients who return to work after the termination of the medical emergency, and (3) the number of leave recipients who retire on disability under the Civil Service Retirement System or the Federal Employees' Retirement System within 6 months after the termination of the medical emergency. OPM's purpose in collecting information about the gender of leave recipients is to increase our knowledge about the needs of the Federal work force for additional time off for the purposes covered by this program.

Miscellaneous comments. Two agencies commented on the issue of appeal rights and grievance procedures for employees under the program. We do not believe it is necessary to address this in the regulations. Employees should follow their agencies' established procedures in this regard.

Another agency recommended that employees who donate annual leave to a leave recipient from a restored account should not be limited by the requirements of § 630.908 (b)(1) and (b)(2). Annual leave in a restored account is considered annual leave for purposes of the program and is subject to the statutory and regulatory limitations on donation. OPM cannot adopt this recommendation.

One agency asked if the donation of annual leave can be considered a charitable contribution for Federal income tax purposes. OPM does not have the authority to determine what constitutes a charitable contribution for Federal income tax purposes. This issue is under the jurisdiction of the Internal Revenue Service, Department of the Treasury.

An agency commented on the administrative procedures necessary for interagency transfer of annual leave under the voluntary leave transfer program. OPM has developed an optional form for agency use in this situation. (See FPM letter 630-33.) An individual suggested that military employees be permitted to participate in the program. Adoption of this suggestion would require legislative action and would be difficult to administer because of the differing purposes of these two leave systems.

Finally, two individuals expressed gratitude for the establishment of the voluntary leave transfer program, which assisted them in their time of need.

Comments on Voluntary Leave Bank Program

One agency recommended that OPM allow employees who are not leave

bank members to become leave recipients. The statute specifically requires employees to make the prescribed minimum contribution before submitting an application to become a leave recipient and directs OPM to provide for an open enrollment period during which contribution may be made. Since making the required contribution during an enrollment period is how an employee establishes membership in the leave bank, we do not believe the agency's recommendation is consistent with the statute.

Another agency suggested waiving the minimum contribution requirement for employees who have exhausted annual leave because of "hardship." The interim regulations already include a provision designed to accomplish this purpose. (See 5 CFR 1004(i).) We believe the minimum contribution requirements established by statute are low enough to permit the vast majority of employees a reasonable opportunity to join the leave bank.

A labor organization recommended allowing transfers of leave between leave bank agencies. Such interagency transfer was specifically authorized only for the voluntary leave transfer program. We believe Congress established the voluntary leave bank program to test the desirability of completely separate and self-sustaining leave banks. Permitting leave to be transferred between agencies or leave banks would make it difficult or impossible to evaluate this approach.

The same labor organization also suggested that we reduce the required minimum contribution to the leave bank to 2 hours per leave year. As noted above, the statute specifies the required minimum contributions for the 1989 leave year and authorizes the leave bank boards to decrease (or increase) the required minimum contribution for subsequent leave years. We do not believe it would be appropriate to interfere with the functioning of the statutory scheme.

An individual suggested that the regulations permit a leave contributor to designate a specific leave recipient to receive his or her contribution. Section 630.1004(b) of the regulations already permits a leave contributor to state a preference as to the recipient of his or her contribution. We do not believe it would be appropriate to limit by regulation the leave bank board's discretion to decide whether or not to honor such requests.

The same individual suggested that we require an application to become a leave recipient under § 630.1006(c) to specify the applicant's leave accrual

rate. We note that the leave accrual rate is more relevant to an application to contribute annual leave to the leave bank, since the applicant's years of service determine the amount of the required minimum contribution.

Although agencies are free to require employees to indicate their leave accrual rates on applications to contribute leave or to become leave recipients, we do not believe OPM should require this practice by regulation since many agencies will want to verify the applicants' leave accrual rates by consulting their own records.

OPM is correcting a minor typographical error in § 630.1004 of the interim regulations. In addition, we are revising §§ 630.1007, 630.1010, and 630.1012 of the interim regulations in subpart J to be consistent with the changes made in §§ 630.905, 630.910, and 630.914 of subpart I of the interim regulations on the voluntary leave transfer program.

Finally, OPM is announcing that the Federal Mediation and Conciliation Service (FMCS) will not be participating in the voluntary leave bank program. FMCS was listed as a participating agency in the notification published in the *Federal Register* on July 28, 1989 [54 FR 31398], but withdrew its request prior to the July 31 deadline for implementation.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will affect only Federal employees and agencies.

List of Subjects in 5 CFR Part 630

Government employees.

U.S. Office of Personnel Management.

Constance Berry Newman,
Director.

Accordingly, OPM is adopting the interim rules amending 5 CFR part 630 published in the *Federal Register* (54 FR 4749, January 31, 1989, and 54 FR 18267, April 28, 1989) as final rules with the following changes:

PART 630—ABSENCE AND LEAVE

1. The authority citation for part 630 continues to read as set forth below:

Authority: 5 U.S.C. 6311; § 630.303 also issued under 5 U.S.C. 6133(a); § 630.501 and

subpart F also issued under E.O. 11228; Subpart G also issued under 5 U.S.C. 6305; subpart H issued under 5 U.S.C. 6326; subpart I also issued under 5 U.S.C. 6332 and Pub. L. 100-566; subpart J also issued under 5 U.S.C. 6362 and Pub. L. 100-566.

Subpart I—Voluntary Leave Transfer Program

2. In subpart I, § 630.905(c) is revised; § 630.910(d) is added; § 630.913 is amended by revising paragraph (b)(2), removing the word "and" at the end of paragraph (b)(5), redesignating paragraph (b)(6) as (b)(8), and adding paragraphs (b)(6) and (b)(7) to read as follows:

§ 630.905 Approval of application to become a leave recipient.

(c) In making a determination as to whether a "medical emergency" is likely to result in a substantial loss of income, an agency shall not consider factors other than whether the absence from duty without available paid leave is (or is expected to be) at least 80 hours (or, in the case of a part-time employee or an employee with an uncommon tour of duty, the average number of hours of work in the employee's biweekly scheduled tour of duty).

§ 630.910 Termination of medical emergency.

(d) An agency may deem a medical emergency to continue for the purpose of providing a leave recipient an adequate period of time within which to receive donations of annual leave.

§ 630.913 Records and reports.

(b) * * *

(2) The grade or pay level of each leave recipient and leave donor and the gender of each leave recipient;

(6) The number of leave recipients who returned to work after the termination of the medical emergency;

(7) The number of leave recipients who retired on disability retirement under the Civil Service Retirement System or the Federal Employees' Retirement System within 6 months after the termination of the medical emergency; and

Subpart J—Voluntary Leave Bank Program

3. In subpart J, §§ 630.1004(i) and 630.1007(c) are revised; § 620.1010(c) is added; § 630.1012 is amended by

revising paragraph (b)(4), removing the word "and" at the end of paragraph (b)(5), redesignating paragraph (b)(6) as (b)(8), and adding paragraphs (b)(6) and (b)(7) to read as follows:

§ 630.1004 Application to become a leave contributor and leave bank member.

(i) If a leave recipient does not have sufficient available accrued annual leave to his or her credit to make the full minimum contribution required by this section, he or she shall be deemed to have made the minimum contribution.

§ 630.1007 Approval of application to become a leave recipient.

(c) In making a determination as to whether a medical emergency is likely to result in a substantial loss of income, the leave bank board shall not consider factors other than whether the absence from duty without available paid leave is (or is expected to be) at least 80 hours (or, in the case of a part-time employee or an employee with an uncommon tour of duty, the average number of hours of work in the employee's biweekly scheduled tour of duty).

§ 630.1010 Termination of medical emergency.

(c) The leave bank board may deem a medical emergency to continue for the purpose of providing a leave recipient an adequate period of time within which to receive contributions of annual leave.

§ 630.1012 Records and reports.

(b) * * *

(4) The grade or pay level and gender of each leave recipient and the total amount of annual leave he or she actually used;

(6) The number of leave recipients who returned to work after the termination of the medical emergency;

(7) The number of leave recipients who retired on disability retirement under the Civil Service Retirement System or the Federal Employees' Retirement System within 6 months after the termination of the medical emergency; and

[FR Doc. 89-30089 Filed 12-27-89; 8:45 am]

BILLING CODE 6325-01-M

**OFFICE OF PERSONNEL
MANAGEMENT****OFFICE OF GOVERNMENT ETHICS****5 CFR Parts 735 and 2635**

RINs 3209-AA01 (formerly 3206-AA93),
3209-AA04 (formerly 3206-AD90)

**Employee Responsibilities and
Conduct; New Office of Government
Ethics Regulation Preserving Certain
Executive Agency Gifts Regulations**

AGENCY: Office of Government Ethics
and Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Government Ethics (OGE), with concurrence of the Office of Personnel Management (OPM), is issuing a final rule under 5 U.S.C. 7351 and 7353, as amended and enacted, respectively, by the Ethics Reform Act of 1989 (Pub. L. 101-194). The new OGE regulation, 5 CFR 2635.101, preserves existing executive branch agency regulations promulgated under 5 CFR 735.202 (Gifts, entertainment, and favors), including exceptions to the regular gifts restrictions. Section 2635.101 and the agency regulations referred to will remain in effect until superseded by revised overall standards of conduct for the executive branch to be issued by the Office of Government Ethics. In the meantime, no such new or revised executive agency gifts regulations will be permitted.

EFFECTIVE DATE: November 30, 1989.

ADDRESSES: Any comments on this document may be sent to: the Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917, Attention: Ms. Wilcox or Mr. Gressman; as well as the Office of General Counsel, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Attention: Mr. Rick.

FOR FURTHER INFORMATION CONTACT: Leslie A. Wilcox or William E. Gressman, Office of Government Ethics, telephone (202/FTS) 523-5757; or Stuart D. Rick, Office of the General Counsel, Office of Personnel Management, telephone (202/FTS) 632-5030.

SUPPLEMENTARY INFORMATION:**A. Substantive Discussion**

On October 1, 1989, in accordance with its 1988 reauthorization legislation (Pub. L. 100-598), the Office of Government Ethics became a separate agency in the executive branch of the United States government. See 5 U.S.C. appendix IV, § 401. OGE was formerly part of OPM. OGE recently established its own chapter XVI of title 5 of the CFR

as assigned by the Office of the Federal Register. Furthermore, with the concurrence of the Office of Personnel Management, OGE also transferred and redesignated to its new 5 CFR chapter certain government ethics regulations from OPM's chapter I of 5 CFR (parts 734, 737 and 738 of 5 CFR have become 5 CFR parts 2634, 2637 and 2638, respectively). See 54 FR 50229-50231 (December 5, 1989).

In this document, the Office of Government Ethics, again with the concurrence of OPM, is issuing a regulation preserving the validity of certain executive branch agency gifts regulations. This is needed as a result of the enactment of the Ethics Reform Act of 1989, Public Law 101-194 (November 30, 1989), a comprehensive revision of various government ethics laws and other provisions.

Among other things, the Ethics Reform Act amended, effective upon enactment, the statute generally prohibiting gifts to official superiors, 5 U.S.C. 7351. The amendments change the penalty for violation from removal to appropriate disciplinary action, and give the Office of Government Ethics authority to issue implementing regulations, including appropriate exceptions for voluntary gifts on special occasions. See section 301 of the Ethics Reform Act. Regulations implementing 5 U.S.C. 7351 for the executive branch in effect prior to the effective date of the amendment are set forth at 5 CFR 735.202(d) of OPM's chapter I of 5 CFR and in the various implementing executive agency gifts regulations, as previously issued under Executive Order 11222. Although E.O. 11222 was revoked by Executive Order 12674, April 12, 1989 [54 FR 15159-15162], the regulations at 5 CFR 735.202, along with the other executive branch government ethics regulations, remain in effect pursuant to the general savings provision in section 502 of E.O. 12674. The new OGE regulation 5 CFR § 2635.101, being issued with the concurrence of OPM, provides for the continuing effectiveness of 5 CFR 735.202(d) and the current executive agency regulations issued pursuant thereto or based thereon.

The Ethics Reform Act also added a new statutory prohibition, 5 U.S.C. 7353, effective upon enactment, against federal employee's solicitation or acceptance of gifts from certain persons involved with their agencies, who are often referred to as "prohibited sources." For the executive branch, section 7353 in effect codifies current regulatory gift constraints applicable to agency employees. The new law generally prohibits gifts from persons seeking official action from, having

business with or conducting activities regulated by an officer's or employee's agency, as well as from those with interests that could be substantially affected by the official duties of the officer or employee. The statute (section 303 of the Reform Act) designates OGE as the supervising ethics office for all executive branch officers and employees. As such, OGE is authorized to issue implementing regulations, with reasonable exceptions, for the executive branch. In new regulation 5 CFR § 2635.101, OGE preserves, again with OPM concurrence, the gifts restrictions and exceptions currently contained in 5 CFR 735.202 and the executive agency regulations issued pursuant thereto or based thereon.

Because of the pending issuance by OGE of the new overall standards of conduct regulation, new OGE section 2635.101 further states that executive agencies may not issue or amend their existing gifts regulations issued under 5 CFR 735.202. Section 2635.101 shall remain in effect until superseded by more detailed OGE regulations implementing 5 U.S.C. 7351 and 7353, which will be part of the forthcoming overall standards of conduct regulations for the executive branch. The overall standards regulation, the "Principles of Ethical Conduct" to be codified at 5 CFR part 2635, will be issued by the Government Ethics Office pursuant to its authority under Executive Order 12674, the Ethics in Government Act and the Ethics Reform Act of 1989.

B. Procedural Matters*Administrative Procedure Act*

This regulation solely concerns matters of federal agency organization and procedure; thus, it is not subject to the notice and opportunity for public comment requirements of the Administrative Procedure Act, 5 U.S.C. 553. Moreover, Office of Government Ethics and the Office of Personnel Management find that it is in the public interest that this new OGE regulation become effective retroactively to the date of signature of the new gifts provisions into law, November 30, 1989. This is needed in order to avoid any potential for violations by executive branch officers and employees of the two types of gifts constraints discussed above that otherwise would appear to be absolute under the Ethics Reform Act in the absence of a regulation continuing the validity of existing exceptions. OGE and OPM additionally believe that there is good cause to waive the notice and comment requirements because the passage of the new law has not allowed

time for the normal development of new regulations and it is important to preserve the existing gifts regulations for the guidance of executive agencies and their officers and employees.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this regulation and because it will not have a significant economic impact on a substantial number of small entities, no Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) analysis is required.

E.O. 12291

The Office of Government Ethics has determined that this is not a major rule as defined under section 1(b) of Executive Order 12291, Federal Regulation Requirements.

Paperwork Reduction Act

This regulation does not impose any additional information collection requirements requiring Office of Management and Budget approval under the Paperwork Reduction Act (44 U.S.C. §§ 3501 *et seq.*) (none are directly contained in the new rule itself).

Regulation Identifier Numbers

The Regulation Identifier Numbers (RIN's) in the heading of this document indicate the old OPM numbers concerning two proposed modifications to part 735 in OPM's chapter I of 5 CFR. See the most recent Unified Agenda of the agencies as published in the *Federal Register* of October 30, 1989 (54 FR 45432, 45437). The first RIN, old OPM number 3206-AA93, which has been assigned new OGE RIN 3209-AA01 (3209 being OGE's agency code assigned by the Office of Management and Budget), does not directly address this new regulation. Rather, it refers to future non-public reporting regulations to be issued by OGE for the executive branch. See new part 2633 (Reserved) in OGE's recently established chapter XVI of 5 CFR. The second prior OPM RIN, 3206-AD90, now assigned OGE RIN 3209-AA04, refers to the overall standards of conduct regulation for the executive branch, the forthcoming Principles of Ethical Conduct to be issued by OGE under E.O. 12674 and other authorities. As noted above, this regulation, to be codified in the future at 5 CFR part 2635, will supersede the new § 2635.101 of 5 CFR being issued by this document as well as various portions of current 5 CFR part 735.

List of Subjects in 5 CFR Part 2635

Conflict of interests, Government employees.

Approved: December 11, 1989.

F. Gary Davis,

General Counsel, Office of Government Ethics.

Approved: December 14, 1989.

Constance B. Newman,

Director, Office of Personnel Management.

For the reasons set out in the preamble and under authority given to the Office of Government Ethics in 5 U.S.C. 7351 and 7353 (as amended and added, respectively, by the Ethics Reform Act of 1989) as well as its authority in Executive Order 12674 and the Ethics in Government Act, the Office of Government Ethics hereby adds the text of 5 CFR part 2635, previously reserved, and the authority citation for part 2635 to read as follows:

PART 2635—PRINCIPLES OF ETHICAL CONDUCT

Authority: 5 U.S.C. 7351, 7353, appendixes III, IV; E.O. 12674, 54 FR 15159.

§ 2635.101 Continuation of executive agency gifts regulations, including exceptions.

Existing executive branch agency gifts regulations issued pursuant to or based on 5 CFR 735.202, including exceptions to restrictions governing gifts to official superiors and to the gift restrictions regarding prohibited sources imposed by Executive order, shall remain in effect until superseded by further regulations to be issued by the Office of Government Ethics pursuant to 5 U.S.C. 7351 and 7353 (as amended and added, respectively, by the Ethics Reform Act of 1989, Public Law 101-194 (November 30, 1989)), as well as Executive Order 12674 and the Ethics in Government Act. Provided, however, that executive agencies may not issue or amend their existing gifts regulations issued under 5 CFR 735.202 subsequent to November 30, 1989.

[FR Doc. 89-30047 Filed 12-27-89; 8:45 am]

BILLING CODE 6345-01-M

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 890

RIN 3206-AD79

Federal Employees Health Benefits; Health Insurance Coverage for Certain Temporary Employees

AGENCY: U.S. Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is issuing regulations to implement Title III of the Federal Employees Health Benefits Amendments Act of 1988. The regulations give certain

temporary employees, who were previously excluded from enrolling, the opportunity to participate in the Federal Employees Health Benefits (FEHB) Program.

EFFECTIVE DATE: January 29, 1990.

FOR FURTHER INFORMATION CONTACT: Margaret C. Randall, (202) 632-4634.

SUPPLEMENTARY INFORMATION: The Federal Employees Health Benefits Amendments Act of 1988, Public Law 100-654, was enacted on November 14, 1988. Title III of the Act, which provides health insurance coverage for certain temporary employees, was effective March 14, 1989. Under Title III, temporary employees who have completed 1 year of current continuous employment, excluding any break in service of 5 days or less, are eligible to participate in the FEHB Program. Title III of the Act also provides that any temporary employee who enrolls, based on meeting the eligibility criteria in Title III of the Act, must have withheld from his or her pay the full subscription charge. The government will make no contribution to the premium.

On February 23, 1989, OPM published an interim regulation in the *Federal Register* (54 FR 7755) to amend part 890 so that it would conform with provisions of Title III of the Act and to make a special provision for temporary employees who elect not to enroll and subsequently receive a permanent appointment covered under a retirement system. For purposes of continuing enrollment during retirement, such employees' first opportunity to enroll begins when they receive a permanent appointment which entitles them to participate in a retirement system and also entitles them to receive the government contribution toward their health benefits premium payments.

OPM received comments from one employee organization, one insurance company, and one Government agency. The employee organization expressed confusion over how temporary employees would ever acquire the 1 year of current continuous employment needed to become eligible since, by definition, a temporary appointment cannot exceed 1 year. The law addresses those temporary employees who have worked for more than 1 year.

The assumption would be that their appointments are renewed after 1 year (not an uncommon occurrence). It is not intended to cover those individuals who work for the Government for 1 year or less. The organization also suggested reducing the period of employment needed for eligibility from 1 year to 3 or 6 months. Since the 1 year of current

continuous employment is specified in the law, reducing it to 3 or 6 months is not an option.

The insurance carrier that submitted comments underwrites six FEHB plans and requested that we emphasize the importance of timely processing of health benefits registrations and reconciliation reports. OPM does not find that this regulation is the appropriate vehicle for addressing the subject of timeliness. The Federal Personnel Manual issuance system is used periodically to remind agencies of such matters.

The agency commented that offering FEHB coverage to temporary employees is a step in the right direction, but that most of their temporary employees would not be able to afford to pay the full premium. While we sympathize with their concern, the law clearly states that agencies shall not pay the Government contribution toward the premium.

Since publication of the interim regulation, a number of agencies have asked OPM whether a temporary employee who has been eligible to enroll under provisions of the new law is permitted to enroll or to change plans when the employee is converted to a permanent appointment. OPM has determined that, in the interest of fairness and for consistency with the decision regarding first opportunity to enroll for purposes of continuing coverage after retirement, a temporary employee should be permitted to enroll or to change enrollment when the employee changes to a nontemporary appointment. Therefore, a new event covering the circumstances described above has been included in these final regulations.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they primarily affect Federal employees.

List of Subjects in 5 CFR Part 890

Administrative practice and procedure, Government employees, health insurance.

U.S. Office of Personnel Management.
Constance B. Newman,
Director.

Accordingly, OPM is adopting as final its interim regulations on 5 CFR part 890 published on February 23, 1989, at 54 FR 7755, with the following change:

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

1. The authority citation for part 890 continues to read as follows:

Authority: 5 U.S.C. 8913; § 890.102 also issued under 5 U.S.C. 1104 and Pub. L. 100-654; § 890.803 also issued under sec. 303 of Pub. L. 99-569, 100 Stat. 3190, sec. 188 of Pub. L. 100-204, 101 Stat. 1331, and sec. 204 of Pub. L. 100-238, 101 Stat. 1744.

2. A new paragraph (bb) is added to § 890.301, to read as follows:

§ 890.301 Opportunities to register to enroll and change enrollment.

(bb) *Change from a temporary appointment to a nontemporary appointment.* A temporary employee who is eligible to enroll according to provisions of 5 U.S.C. 8906a, which require payment of the full premium with no Government contribution, and who subsequently changes to a nontemporary appointment, which entitles the employee to receive the Government contribution toward the premium, may enroll or change to any other plan or option within 31 days after changing to the nontemporary appointment.

[FR Doc. 89-30088 Filed 12-27-89; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Office of Operations

7 CFR Ch. XXVIII

Establishment of Chapter

AGENCY: Office of Operations, U.S. Department of Agriculture.

ACTION: Final rule.

SUMMARY: This rule establishes a new chapter XXVIII in title 7 of CFR to contain the regulations of the new Office of Operations.

EFFECTIVE DATE: December 20, 1989.

FOR FURTHER INFORMATION CONTACT: Bonnie Gray at 447-5008. Accordingly, a new chapter XXVIII, Office of Operations, Department of Agriculture, is established in title 7 of the CFR. Chapter XXVII consists of parts 2810 and 2811 which were published on December 20, 1989 at 54 FR 52013.

Signed at Washington, DC, this 21st day of December, 1989.

Frank Gearde, Jr.,
Director, Office of Operations.

[FR Doc. 89-30094 Filed 12-27-89; 8:45 am]

BILLING CODE 3410-98-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 0, 1, 2, 9, 10, 15, 25, 51, and 95

RIN 3150-AD18

Statement of Organization and General Information; Minor Amendments

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is revising its statement of organization and general information to reflect the reorganizations within the Office of the Executive Director for Operations and the former Office of Administration and Resources Management and the creation of the Office of the Licensing Support System Administrator and the Office of the Inspector General. The revision adds to the description of committees, boards, and panels the Advisory Committee on Nuclear Waste, the Nuclear Safety Research and Review Committee, and the Licensing Support System Advisory Review Panel. This revision is necessary to inform licensees and the public of organizational changes within the NRC.

EFFECTIVE DATE: The rule will become effective December 28, 1989.

FOR FURTHER INFORMATION CONTACT: Donnie H. Grimsley, Director, Division of Freedom of Information and Publications Services, Office of Administration, Washington, DC 20555, Telephone: 301-492-7211.

SUPPLEMENTARY INFORMATION: On January 9, 1989, the Nuclear Regulatory Commission (NRC) announced organizational changes within the Office of the Executive Director for Operations. In the reorganization, the Commission appointed a second Deputy Executive Director for Operations and assigned specific areas of responsibilities to each of these two deputies. There is now a Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations, and Research and a Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support. In a separate organizational change, the Office of Administration and Resources Management was abolished and three offices were established. These three offices are the Office of the Controller, which will report to the Executive Director for Operations, the Office of Administration, and the Office of Information Resources Management, which will report to the Deputy

Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support.

On January 11, 1989, the Commission voted to establish an Office of the Licensing Support System (LSS) Administrator which reports to the Commission for policy direction and to the Chairman for day-to-day management supervision.

On April 17, 1989, the Office of the Inspector General was established as a result of Public Law 100-504, "The Inspector General Amendments Act of 1988."

The Commission has also added to its description of committees, panels, and boards information concerning the Advisory Committee on Nuclear Waste, the Nuclear Safety Research and Review Committee, and the Licensing Support System Advisory Review Panel.

Because these are amendments dealing with agency practice and procedure, the notice and comment provisions of the Administrative Procedure Act do not apply pursuant to 5 U.S.C. 553(b)(A). The amendments are effective upon publication in the *Federal Register*. Good cause exists to dispense with the usual 30-day delay in the effective date, because these amendments are of a minor and administrative nature, dealing with the agency's reorganization.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule contains no information collection requirements and therefore is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects

10 CFR Part 0

Conflict of interest, Penalty.

10 CFR Part 1

Organization and functions (Government Agencies).

10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Penalty, Sex discrimination,

Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 9

Freedom of information, Penalty, Privacy, Reporting and recordkeeping requirements, Sunshine Act.

10 CFR Part 10

Administrative practice and procedure, Classified information, Government employees, Security measures.

10 CFR Part 15

Administrative practice and procedure, Debt collection.

10 CFR Part 25

Classified information, Investigations, Penalty, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 51

Administrative practice and procedure, Environmental impact statement, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements.

10 CFR Part 95

Classified information, Penalty, Reporting and recordkeeping requirements, Security measures.

For the reason set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR parts 0, 1, 2, 9, 10, 15, 25, 51, and 95.

PART 0—CONDUCT OF EMPLOYEES

1. The authority citation for part 0 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 0.735-28 [Amended]

2. In § 0.735-28, paragraph (a)(2), remove the words "and Resources Management".

PART 1—STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

3. The authority citation for part 1 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 1.3 [Amended]

4. In § 1.3, paragraph (c) remove the words "and Resources Management".

5. In § 1.5, paragraph (a) is revised to read as follows:

§ 1.5 Location of principal offices and regional offices.

(a) The principal NRC offices are located in the Washington, DC area. Facilities for the service of process and papers are maintained within the District of Columbia at 2120 L Street NW., and in the State of Maryland at 11555 Rockville Pike, Rockville, Maryland. The mailing address for all NRC Headquarters offices is Washington, DC 20555. The locations of NRC offices in the Washington, DC area are as follows:

- (1) Capital Place, 80 F Street NW., Washington, DC.
- (2) East West/West Towers Building, 4350 East West Highway, Bethesda, Maryland.
- (3) Gelman Building, 2120 L Street NW., Washington, DC.
- (4) Maryland National Bank Building, 7735 Georgetown Road, Bethesda, Maryland.
- (5) Nicholson Lane/North Building, 5620 Nicholson Lane, Rockville, Maryland.
- (6) Nicholson Lane/South Building, 5650 Nicholson Lane, Rockville, Maryland.
- (7) One White Flint North Building, 11555 Rockville Pike, Rockville, Maryland.
- (8) Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland.
- (9) Woodmont Building, 8120 Woodmont Avenue, Bethesda, Maryland.

6. A new heading entitled Inspector General and a new § 1.12 are added directly after § 1.11 to read as follows:

Inspector General

§ 1.12 Office of the Inspector General.

The Office of the Inspector General—

(a) Develops policies and standards that govern NRC's financial and management audit program;

(b) Plans, directs, and executes the long-range, comprehensive audit program;

(c) Conducts and reports on investigations and inquiries, as necessary, to ascertain and verify the facts with regard to the integrity of all NRC programs and operations;

(d) Investigates possible irregularities or alleged misconduct of NRC employees and contractors;

(e) Refers suspected or alleged criminal violations concerning NRC employees or contractors to the Department of Justice;

(f) Reviews existing and proposed legislation and regulations for their impact on economy and efficiency in the administration of NRC's programs and operations;

(g) Keeps the Commission and the Congress fully and currently informed, by means of semiannual and other reports, about fraud, abuse, and other serious deficiencies in NRC's programs and operations; and

(h) Maintains liaison with audit and inspector general organizations and other law enforcement agencies in regard to all matters relating to the promotion of economy and efficiency and the detection of fraud and abuse in programs and operations.

A new § 1.18 is added to read as follows:

§ 1.18 Advisory Committee on Nuclear Waste.

The Advisory Committee on Nuclear Waste (ACNW) provides advice to the Commission on all aspects of nuclear waste management, as appropriate, within the purview of NRC's regulatory responsibilities. The primary emphasis of the ACNW is disposal but will also include other aspects of nuclear waste management such as handling, processing, transportation, storage, and safeguarding of nuclear wastes including spent fuel, nuclear wastes mixed with other hazardous substances, and uranium mill tailings. In performing its work, the committee examines and reports on specific areas of concern referred to it by the Commission or designated representatives of the Commission, and undertakes studies and activities on its own initiative as appropriate to carry out its responsibilities. The committee interacts with representatives of NRC, other Federal agencies, state and local governments, Indian Tribes, and private organizations, as appropriate, to fulfill its responsibilities.

8. In § 1.19, the introductory paragraph is revised and new paragraphs (c) and (d) are added to read as follows:

§ 1.19 Other committees, boards, and panels.

Under section 161a. of the Atomic Energy Act of 1954, as amended, the Commission may establish advisory bodies to make recommendations to it. Currently, four committees are in existence.

(c) The Nuclear Safety Research Review Committee (NSRRC) was established by the NRC in February 1988 for the purpose of reporting to the Commission through the Director of the Office of Nuclear Regulatory Research

on important management matters in the direction of the Commission's nuclear safety research program. The committee activities cover all aspects of nuclear safety research including, but not limited to, accident management, plant aging, human factors and system reliability, earth science, waste disposal and seismic and structural engineering. In performing its activities, the committee evaluates and reports on the conformance of the nuclear safety research program to the NRC philosophy of nuclear regulatory research. The committee conducts specialized studies when requested by the Commission or Director of the Office of Nuclear Regulatory Research. The committee interacts with the Office of Research management staff and selected contractors in private industry, at national laboratories and universities.

(d) The Licensing Support System Advisory Review Panel (LSSARP) was established by the Commission on October 3, 1989, pursuant to 10 CFR 2.1011(e) of the Commission's regulations. The LSSARP provides advice to the Commission on the design, development, and operation of the Licensing Support System (LSS), an electronic information management system for use in the Commission's high-level radioactive waste (HLW) licensing proceeding. Membership consists of those interests that will be affected by the use of the LSS, and selected Federal agencies with expertise in large-scale electronic information systems. The individual representatives of these interests and agencies possess expertise in management information science and in managing records of the Commission's licensing process for the HLW repository.

9. A new § 1.26 is added under the heading Commission Staff to read as follows:

§ 1.26 Office of the Licensing Support System Administrator.

The Office of the Licensing Support System (LSS) Administrator—

(a) Ensures that the LSS meets the requirements of 10 CFR part 2, subpart J, concerning the availability and use of the LSS in the Commission's high-level waste licensing proceedings;

(b) Advises DOE on LSS design, development, and testing;

(c) Approves any necessary redesign of the LSS;

(d) Provides the necessary personnel, materials, and services for operation and maintenance of the LSS;

(e) Provides for the entry of documentary material into the LSS, and provides access to the LSS to LSS

participants and to the public as appropriate;

(f) Maintains the integrity and security of the LSS database;

(g) Reviews the timeliness and degree of compliance of LSS participants with the applicable LSS rules, including determining whether DOE is in substantial compliance with the document submission requirements of 10 CFR 2.1003; and

(h) Maintains sufficient oversight of LSS-related activities to not only identify issues, but to ensure that these issues are properly addressed by the right organization(s) and are being resolved on a timely basis.

§ 1.27 [Removed]

10. Section 1.27 is removed.

11. Section 1.31 is revised to read as follows:

§ 1.31 Office of the Executive Director for Operations.

(a) The Executive Director for Operations (EDO) reports for all matters to the Chairman, and is subject to the supervision and direction of the Chairman as provided in Reorganization Plan No. 1 of 1980.

(b) The EDO supervises and coordinates policy development and operational activities in the following line offices: The Office of Nuclear Reactor Regulation, the Office of Nuclear Material Safety and Safeguards, the Office of Nuclear Regulatory Research, and the NRC Regional Offices; and the following staff offices: The Office of Enforcement, the Office of Administration, the Office of Information Resources Management, the Office of the Controller, the Office of Investigations, the Office of Consolidation, the Office for Analysis and Evaluation of Operational Data, the Office of Small and Disadvantaged Business Utilization and Civil Rights, the Office of Personnel, and other organizational units as shall be assigned by the Commission. The EDO is also responsible for implementation of the Commission's policy directives pertaining to these offices.

(c) The EDO exercises powers and functions delegated to the EDO under the Reorganization Plan No. 1 of 1980, this chapter, or otherwise by the Commission or Chairman, as appropriate. The EDO has the authority to perform any function that may be performed by an office director reporting to the EDO.

12. A new § 1.32 is added under the heading Staff Offices to read as follows:

§ 1.32 Office of Enforcement.

The Office of Enforcement—

- (a) Develops policies and programs for enforcement of NRC requirements;
- (b) Manages major enforcement actions; and
- (c) Assesses the effectiveness and uniformity of Regional enforcement actions.

13. Section 1.33 is revised to read as follows:

§ 1.33 Office of Administration.

The Office of Administration—

- (a) Develops and implements agency-wide contracting policies and procedures;
- (b) Develops policies and procedures and manages the operation and maintenance of NRC offices, facilities, and equipment;
- (c) Plans, develops, establishes, and administers policies, standards, and procedures for the overall NRC security program;
- (d) Develops and implements policies and procedures for administering the Freedom of Information, Privacy, and Regulatory Flexibility Acts and the LPDR program, and for providing editorial and related publications services; and
- (e) Manages the production, printing, and copying of NUREGs and other official NRC publications and maintains NRC liaison with the Joint Committee on Printing.

14. A new § 1.34 is added to read as follows:

§ 1.34 Office of Information Resources Management.

The Office of Information Resources Management—

- (a) Manages the centralized information resources of the agency in the areas of computer hardware and software, systems development, telecommunications, and information support services including document control and distribution, central files, records management and services, the Library, and graphics; and
- (b) Participates in the review of information resources management policies, practices, and procedures on an NRC-wide basis, and in consultation with cognizant officials, makes recommendations for appropriate improvements.

15. Section 1.36 is added to read as follows:

§ 1.36 Office of Investigations.

The Office of Investigations (OI)—

- (a) Conducts investigations of licensees, applicants, their contractors or vendors, including the investigation

of all allegations of wrongdoing by other than NRC employees and contractors;

(b) Maintains current awareness of inquiries and inspections by other NRC offices to identify the need for formal investigations;

(c) Makes appropriate referrals to the Department of Justice;

(d) Maintains liaison with other agencies and organizations to ensure the timely exchange of information of mutual interest; and

(e) Issues subpoenas where necessary or appropriate for the conduct of investigations.

16. A new § 1.38 is added to read as follows:

§ 1.38 Office of the Controller.

The Office of the Controller—

- (a) Prepares the agency's Five-Year Plan and budget;
- (b) Manages all accounting and financial systems management functions including payroll, travel, and license fees;
- (c) Provides agency support for employee relocation services and internal control activities; and
- (d) Manages the agency's internal control program.

17. A new § 1.40 is added to read as follows:

§ 1.40 Office of Consolidation.

The Office of Consolidation—

- (a) Provides overall coordination of planning, budgeting, and execution of tasks required to consolidate the NRC Headquarters staff at White Flint, Rockville, Maryland;
- (b) Provides a single focus for management review, decisionmaking, and direction for activities undertaken to accomplish the consolidation of the Headquarters' staff; and
- (c) Keeps NRC management and NRC employees as fully informed as possible about aspects of the consolidation, especially those which could affect their individual and collective performance of Agency missions and tasks.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

18. The authority citation for part 2 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 2.201 [Amended]

19. In § 2.201, in paragraphs (a), (b), and (c), remove the words "Deputy Executive Director for Regional Operations", and add in their place the words "Deputy Executive Director for

Nuclear Materials Safety, Safeguards, and Operations Support".

§ 2.202 [Amended]

20. In § 2.202, in paragraphs (a) and (f), remove the words "Deputy Executive Director for Regional Operations", and add in their place the words "Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support", and in paragraph (a) remove the words "Office of Administration and Resources Management", and add in their place the words "Office of the Controller".

§ 2.205 [Amended]

21. In § 2.205, in paragraphs (a), (d), (g), and (h), remove the words "Deputy Executive Director for Regional Operations", and add in their place the words "Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support".

§ 2.802 [Amended]

22. In § 2.802, in paragraph (b), remove the words "Rules and Procedures Branch", and add in their place the words "Regulatory Publications Branch", and in paragraphs (b) and (g), remove the words "and Resources Management".

Appendix C [Amended]

23. Appendix C, section V., in paragraphs (E), (F), and (G), remove the words "Deputy Executive Director for Regional Operations" and add in their place the words "Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support"; in section VIII., remove the words "Deputy Executive Director for Regional Operations (DEDRO)" and "DEDRO" and add in their place the words "Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support (DEDS)" and "DEDS", and in Footnote (5) remove the words "Deputy Executive Director for Regional Operations", and add in their place the words "Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support", and also remove the words "Office of Administration and Resources Management", and add in their place the words "Office of the Controller".

PART 9—PUBLIC RECORDS

24. The authority citation for part 9 continues to read in part as follows:

Authority: Secs. 161, 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 9.23 [Amended]

25. In § 9.23, paragraph (b), remove the words "and Resources Management".

§ 9.41 [Amended]

26. In § 9.41, paragraph (a)(2), remove the words "and Resources Management".

§ 9.53 [Amended]

27. In § 9.53, paragraphs (a) and (b), remove the words "and Resources Management".

§ 9.54 [Amended]

28. In § 9.54, paragraph (b), remove the words "and Resources Management".

§ 9.60 [Amended]

29. In § 9.60, paragraph (a), remove the words "and Resources Management".

§ 9.65 [Amended]

30. In § 9.65, paragraph (a), remove the words "and Resources Management".

§ 9.66 [Amended]

31. In § 9.66, paragraphs (a)(1), (a)(2), (a)(3), and (c)(2), remove the words "and Resources Management".

§ 9.69 [Amended]

32. In § 9.69, paragraph (a), remove the words "and Resources Management".

PART 10—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO RESTRICTED DATA OR NATIONAL SECURITY INFORMATION OR AN EMPLOYMENT CLEARANCE

33. The authority citation for part 10 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 10.5 [Amended]

34. In § 10.5, paragraph (b), remove the words "and Resources Management".

§ 10.12 [Amended]

35. In § 10.12, paragraph (a), remove the words "and Resources Management".

§ 10.21 [Amended]

36. In § 10.21, remove the words "and Resources Management".

§ 10.22 [Amended]

37. In § 10.22, in the introductory paragraph and in paragraphs (c), (d), and (e), remove the words "and Resources Management".

§ 10.23 [Amended]

38. In § 10.23, paragraphs (a) and (b), remove the words "and Resources Management".

§ 10.24 [Amended]

39. In § 10.24, paragraphs (a) and (b), remove the words "and Resources Management".

§ 10.27 [Amended]

40. In § 10.27, paragraph (c), remove the words "and Resources Management".

§ 10.28 [Amended]

41. In § 10.28, paragraph (m), remove the words "and Resources Management".

§ 10.29 [Amended]

42. In § 10.29, paragraph (d), remove the words "and Resources Management".

§ 10.30 [Amended]

43. In § 10.30, remove the words "and Resources Management".

§ 10.31 [Amended]

44. In § 10.31, paragraph (a), remove the words "and Resources Management".

§ 10.32 [Amended]

45. In § 10.32, paragraph (b), remove the words "and Resources Management".

§ 10.33 [Amended]

46. In § 10.33, paragraphs (c) and (d) remove the words "and Resources Management".

§ 10.34 [Amended]

47. In § 10.34, paragraph (b), remove the words "and Resources Management".

§ 10.35 [Amended]

48. In § 10.35, paragraph (b), remove the words "and Resources Management".

§ 10.37 [Amended]

49. In § 10.37, remove the words "and Resources Management".

PART 15—DEBT COLLECTION PROCEDURES

50. The authority citation for Part 15 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 15.3 [Amended]

51. In § 15.3, remove the words "Office of Administration and Resources

Management", and add in their place the words "Office of the Controller".

§ 15.35 [Amended]

52. In § 15.35, paragraph (c), remove the words "Office of Administration and Resources Management", and add in their place the words "Office of the Controller".

PART 25—ACCESS AUTHORIZATION FOR LICENSEE PERSONNEL

53. The authority citation for part 25 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 25.33 [Amended]

54. In § 25.33, paragraph (c), remove the words "and Resources Management".

PART 51—ENVIRONMENTAL PROTECTION REGULATIONS FOR DOMESTIC LICENSING AND RELATED REGULATORY FUNCTIONS

55. The authority citation for part 51 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242 (42 U.S.C. 5841).

§ 51.122 [Amended]

56. In § 51.122, remove the words "Office of Administration and Resources Management", and add in their place the words "Office of Information Resources Management".

PART 95—SECURITY FACILITY APPROVAL AND SAFEGUARDING OF NATIONAL SECURITY INFORMATION AND RESTRICTED DATA

57. The authority citation for part 95 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242 (42 U.S.C. 5841).

§ 95.18 [Amended]

58. In § 95.18, paragraph (a), remove the words "and Resources Management".

§ 95.45 [Amended]

59. In § 95.45, paragraph (a), remove the words "and Resources Management".

Dated at Rockville, Maryland, this 14th day of December, 1989.

For the Nuclear Regulatory Commission.
James M. Taylor,
Executive Director for Operations.
[FR Doc. 89-29867 Filed 12-27-89; 8:45 am]
BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Waiver of Nonmanufacturer Rule

AGENCY: Small Business Administration.

ACTION: Notice of waiver of nonmanufacturer rule.

SUMMARY: This notice establishes a waiver to the Small Business Administration's (SBA) "nonmanufacturer rule" for several types of construction equipment. These are: backhoes, cranes, road graders, and scrapers. The basis for this waiver to the nonmanufacturer rule is that no small business manufacturer is supplying these products to the Federal government. The effect of this waiver is to allow an otherwise qualified regular dealer to supply the product of any domestic manufacturer on a contract set-aside for small business or awarded through the 8(a) program. This waiver shall remain in effect until such time a small business manufacturer(s) is determined to be in the Federal market. The public may submit comments on this determination.

DATES: This notice is effective December 21, 1989. Comments may be submitted until January 12, 1990.

ADDRESS COMMENTS TO: Robert J. Moffitt, Chairperson, Size Policy Board, U.S. Small Business Administration, 1441 L Street NW., Room 600, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Gary M. Jackson, Director, Size Standards Staff, (202) 652-6373.

SUPPLEMENTARY INFORMATION: Public Law 100-656, enacted on November 15, 1988, incorporated into the Small Business Act the previously existing regulation that recipients of contracts set-aside for small business or 8(a) contracts must provide the product of a small business manufacturer or producer. This requirement is commonly referred to as the "nonmanufacturer rule." The SBA regulations imposing this requirement is found at 13 CFR 121.5(b)(a). (SBA anticipates publishing revised Small Business Size Regulations effective January 1, 1990 which would contain this requirement at 13 CFR 121.906(b) and 121.1106(b).) Section 303(h) of the Act provided for waiver of this requirement by SBA for any "class

of products" for which there are no small business manufacturers or producers in the Federal market. This notice waives the nonmanufacturer rule for the following construction equipment classes of products: backhoes; crane, construction; graders, road construction; and scrapers. Also, this notice denies the request for a waiver for drill rigs, forklifts, loaders and manlifts (or aerial work platforms). SBA has found small business manufacturers of these products which supply the Federal government.

SBA's District Office in Los Angeles, California requested a waiver of the nonmanufacturer rule for eight classes of products of construction and industrial equipments. SBA has conducted a study for these classes of products to determine if a small manufacturer(s) has supplied any of these products to the Federal government.

To be considered in the Federal market, a small manufacturer must have been awarded a contract by the Federal government within recent years. A "class of products" is considered to be a particular Product and Service Code (PSC) under the Federal Procurement Data System or an SBA recognize product line within a PSC.

SBA's review of the Federal market evaluated procurement statistics from the U.S. General Services Administration's Federal Procurement Data Center (FPDC) and SBA's Procurement Automated Source System (PASS), a data base of firms interested in Federal procurement.

The FPDC data show contract awards by Product and Services Codes as well as by Standard Industrial Classification (SIC) codes. The PASS data were also reviewed to assess small business manufacturing capability and Federal experience. Other sources of information such as industry trade associations were also reviewed as needed to assist in discovering and evaluating small manufacturers of each class of products.

The affected classes of products are some of the products included within several PSC codes, but do not comprise any one entire PSC. The request for waiver relates to the following classes of products:

PSC Code	Product
3805.....	Backhoes, Graders, Loaders, Scrapers.
3810.....	Cranes.
3815.....	Manlifts (Aerial Work Platform).
3820.....	Drill Rigs.
3930.....	Forklifts.

A survey of small business manufacturers of the affected classes of products was subsequently conducted to determine small manufacturers capabilities and participation in the Federal market. Small manufacturers of these types of equipment were identified from SBA's PASS data base. Each identified small business manufacturer was contacted to determine the types and range of products it manufactures.

For manlifts (aerial work platforms), drill rigs, forklifts, and loaders SBA identified small manufacturers that have recently supplied the Federal government. Accordingly, SBA denies the request for a waiver of the nonmanufacturer rule for these classes of products.

SBA's review also found that small manufacturers do not provide to the Federal market the following items: backhoes, cranes, construction; graders, road (construction machinery); and scrapers. Accordingly, SBA decided to grant a waiver for these designated classes of products within PSC codes 3805 and 3810.

The public is invited to submit comments on the basis of this waiver action. If evidence is received that a small manufacturer is in fact in the Federal market, as defined by receiving a Federal contract, SBA will reevaluate its decision to waive the nonmanufacturer rule for that class of products and will take steps to terminate the waiver.

This waiver is being granted under statutory authority for the designated classes of products, prior to the promulgation of final regulatory procedures. Proposed procedures will be published for public comment in the **Federal Register** in early 1990. Although the processing and evaluation of this waiver request are intended to be similar to the proposed procedures, final procedures may differ from those followed for this particular request.

A waiver of the nonmanufacturer rule is established for purposes of allowing an otherwise qualified small business regular dealer to supply the product of any domestic manufacturer on a contract set-aside for small business or awarded through the 8(a) program for the following classes of products:

Backhoes (PSC 3805)
Graders, Road (Construction Machinery) (PSC 3805)
Scrapers, Construction (PSC 3805)
Cranes, Construction (PSC 3810)

Dated: December 21, 1989.

Susan S. Engeleiter,
Administrator, U.S. Small Business
Administration.

[FR Doc. 89-30016 Filed 12-27-89; 8:45 am]

BILLING CODE 8025-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 305

RIN 3084-AA26

Rules for Using Energy Cost and Consumption Information Used in Labeling and Advertising of Consumer Appliances Under the Energy Policy and Conservation Act; Ranges of Comparability for Central Air Conditioners and Heat Pumps

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission announces that the present ranges of comparability for central air conditioners and heat pumps will remain in effect until new ranges are published, and amends its Appliance Labeling Rule by updating the national average cost figure for electricity that must be used in the cost calculation formulas that manufacturers must provide on fact sheets or in directories. These cost calculation formulas are for consumers to use to calculate their own heating and cooling costs.

EFFECTIVE DATE: March 28, 1990.

FOR FURTHER INFORMATION CONTACT: James Mills, Attorney, Division of Enforcement, Federal Trade Commission, Washington, DC 20580 (202-326-3035).

SUPPLEMENTARY INFORMATION: Section 324 of the Energy Policy and Conservation Act of 1975 (EPCA) ¹ requires the Federal Trade Commission to consider labeling rules for the disclosure of estimated annual energy cost or alternative energy consumption information for at least thirteen categories of appliances. Central air conditioners (including heat pumps) are included as one of the categories. The statute also requires the Department of Energy ("DOE") to develop test procedures that measure how much energy the appliances use. In addition, DOE is required to determine the representative average cost a consumer pays for the different types of energy available.

On November 19, 1979, the Commission issued a final Rule covering seven of the thirteen appliance

categories that were then covered by DOE test procedures: refrigerators and refrigerator-freezers, freezers, dishwashers, water heaters, clothes washers, room air conditioners and furnaces.²

On December 10, 1987 (52 FR 46888), the Federal Trade Commission amended the Appliance Labeling Rule by extending its coverage to central air conditioners and heat pumps. For these products, the Commission adopted a disclosure scheme that consists of labels showing simple energy efficiency and range information, together with a requirement to disclose further efficiency and cost information by means of either fact sheets or a listing in a general directory containing such information.

Section 305.8(b) of the rule requires manufacturers, after filing an initial report, to report annually by specified dates for each product type.³ These reports, which are to assist the Commission in preparing the ranges of comparability, contain the estimated annual cost or energy efficiency rating for the appliances derived from tests performed pursuant to the DOE test procedures. The reports also contain the model number, the number of tests performed on each model, and the capacity of each. Because the costs for the various types of energy change yearly, and because manufacturers regularly add new models to their lines, improve existing models and drop others, the data base from which the ranges of comparability are calculated is constantly changing. To keep the required information in line with these changes, the Commission is empowered, under § 305.10 of the rule, to publish new ranges (but not more often than annually) if an analysis of the new data indicates that the upper or lower limits of the ranges have changed by more than 15%. Otherwise, the Commission must publish a statement that the prior range or ranges remain in effect for the next year.

The annual reports for central air conditioners (including heat pumps) have been received and analyzed and the Commission has determined that neither the upper nor lower limits of the ranges for this product category have changed by 15% or more since the original publication of the ranges on May 27, 1988.⁴ In consideration of the

foregoing, the present ranges for central air conditioners (including heat pumps) will remain in effect until the Commission publishes new ranges for these products.

In addition, this Notice provides an updated figure for the annual national average cost of electricity. This figure, along with national average cost figures for natural gas, propane, heating oil and kerosene, is published annually by the Department of Energy for the industry's use in calculating the cost figures required by the Commission's Rule. The cost figure for electricity must be used in the cost calculation formulas that appear in Appendices H and I. These formulas must be provided on fact sheets and in directories so consumers can calculate their own costs of operation for the central air conditioners and heat pumps that they are considering purchasing. The updated figure, which DOE published on December 7, 1988 (53 FR 49349), is 7.70 cents per kilowatt-hour. The formulas (and calculations) in both Appendices have been changed to reflect this.

In consideration of the foregoing, the Commission revises Appendices H(2) and I(2) of its Appliance Labeling Rule by publishing the following cost figures for use in the labeling and advertising of central air conditioners and heat pumps beginning March 28, 1990.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

PART 305—[AMENDED]

Accordingly, 16 CFR Part 305 is revised as follows:

1. The authority citation for Part 305 continues to read as follows:

Authority: Sec. 324 of the Energy Policy and Conservation Act (Pub. L. 94-163) (1975), as amended by the National Energy Conservation Policy Act, (Pub. L. 95-619) (1978), the National Appliance Energy Conservation Act, (Pub. L. 100-12) (1987), and the National Appliance Energy Conservation Amendments of 1988, (Pub. L. 100-357) (1988), 42 U.S.C. 6294; sec. 553 of the Administrative Procedure Act, 5 U.S.C. 553.

Appendices H and I [Amended]

2. In Appendices H and I of part 305, remove the figure "8.04¢" and add, in its place, the figure "7.70¢". In addition, remove the figure "12.06¢" and add, in its place, the figure "11.55¢".

* * * * *

² 44 FR 66468, 16 CFR part 305 (Nov. 19, 1979). The Statement of Basis and Purpose for the final Rule describes the reasons the Commission declined to cover the other categories of covered products. *Id.* at 66467-69.

³ Reports for central air conditioners (including heat pumps) are due by July 1.

⁴ 53 FR 19728.

¹ Pub. L. 94-163, 89 Stat. 871 (Dec. 22, 1975).

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 89-30080 Filed 12-27-89; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Maduramicin Ammonium; Technical Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is correcting a final rule that amended the animal drug regulations to reflect approval for American Cyanamid's maduramicin ammonium Type A article to make a Type C broiler feed (54 FR 5229; February 2, 1989). The agency failed to correctly state the maximum Type B feed level, whose use did not require approval of a Form FDA-1900 to make a Type C broiler feed, was 545 grams per ton (g/ton). This document corrects that error.

EFFECTIVE DATE: February 2, 1989.

FOR FURTHER INFORMATION CONTACT: Dianne T. McRae, Center for Veterinary Medicine (HFV-135), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4913.

SUPPLEMENTARY INFORMATION: In the Federal Register of February 2, 1989 (54 FR 5229), FDA published a document amending the animal drug regulations to reflect approval of new animal drug application (NADA) 139-075 filed by American Cyanamid Co. The application provides for use of maduramicin ammonium 1 percent Type A medicated articles to make Type C medicated feed for broiler chickens. In publishing the regulation concerning medicated feed applications (21 CFR 558.4), the maximum Type B entry level was stated as 54.5 g/ton (.006 percent). The correct Type B level is 545 g/ton (.06 percent). This document amends the regulations in 21 CFR 558.4(d) accordingly.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.
Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to

the Center for Veterinary Medicine, 21 CFR part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: Secs. 512, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b, 371).

§ 558.4 [Amended]

2. Section 558.4 *Medicated feed applications* is amended in the Category II table in paragraph (d), in the entry "Maduramicin ammonium", under the heading "Type B maximum (100x)" by removing "54.5 g/ton (.006%)" and inserting in its place "545 g/ton (.06%)".

Dated: December 21, 1989.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 89-30063 Filed 12-27-89; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF EDUCATION

34 CFR Parts 500 and 501

RIN 1885-AA17

Bilingual Education; General Provisions and Basic Programs

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends 34 CFR parts 500 and 501 to add Office of Management and Budget (OMB) control numbers to certain sections of the regulations. These sections contain information collection requirements approved by OMB. The Secretary takes this action to inform the public that these requirements have been approved.

EFFECTIVE DATE: These regulations are effective December 28, 1989.

FOR FURTHER INFORMATION CONTACT:

Mary Mahoney, Office of Bilingual Education and Minority Languages Affairs (OBEMLA), U.S. Department of Education, 400 Maryland Avenue SW., (Switzer Building, Room 5078), Washington DC 20202-6570, Telephone (202) 732-5063.

SUPPLEMENTARY INFORMATION: On October 5, 1988 final regulations incorporating miscellaneous statutory amendments of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 were published as amendments to 34 CFR parts 500 and 501 (53 FR 39218).

The effective date of certain sections of these regulations was delayed until

information collection requirements contained in those sections were approved by OMB under the Paperwork Reduction Act of 1980, as amended. OMB has approved the information collection requirements, and these sections of the regulations are now effective.

Waiver of Proposed Rulemaking

In accordance with section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)) and the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, the publication of OMB control numbers is purely technical and does not establish substantive policy. Therefore, the Secretary has determined, under 5 U.S.C. 553(b)(B), that proposed rulemaking is unnecessary and contrary to the public interest and that a delayed effective date is not required under 5 U.S.C. 553(d)(3).

List of Subjects in 34 CFR Parts 500 and 501

Adult education, Bilingual education, Colleges and universities, Dissemination, Education, Elementary and secondary education, Grant programs-education, Reporting and recordkeeping requirements.

(Catalog of Federal Domestic Assistance No. 84.003 Bilingual Education: Basic Programs)

Dated: December 20, 1989.

Lauro F. Cavazos,

Secretary of Education.

The Secretary amends parts 500 and 501 of title 34 of the Code of Federal Regulations as follows:

PART 500—BILINGUAL EDUCATION: GENERAL PROVISIONS

1. The authority citation for part 500 continues to read as follows:

Authority: 20 U.S.C. 3281-3341, unless otherwise noted.

§ 500.51 [Amended]

2. Section 500.51 is amended by adding "(Approved by the Office of Management and Budget under control number 1885-0003)" after the section.

PART 501—BILINGUAL EDUCATION: BASIC PROGRAMS

1. The authority citation for part 501 continues to read as follows:

Authority: 20 U.S.C. 3281-3341, unless otherwise noted.

§§ 501.20, 501.26, 501.40, and 501.42
[Amended]

2. Sections 501.20, 501.26, 501.40, and 501.42 are amended by adding
“(Approved by the Office of Management and Budget under control number 1885-0003)” following each section.

[FR Doc. 89-30039 Filed 12-27-89; 8:45 am]

BILLING CODE 4000-01-M

**ENVIRONMENTAL PROTECTION
AGENCY**

40 CFR Part 180

[PP9E3708/R1046; FRL-3663-9]

Pesticide Tolerance for Metolachlor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes a tolerance for the combined residues (free and bound) of the herbicide metolachlor and its metabolites in or on the raw agricultural commodity Cubanelle peppers. This regulation to establish a maximum permissible level for residues of the herbicide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATE: This regulation becomes effective December 28, 1989.

ADDRESS: Written objections, identified by the document control number, [PP9E3708/R1046], may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt L. Jamerson, Emergency Response and Minor Use Section (H7505C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 716C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, 703-557-2310.

SUPPLEMENTARY INFORMATION: In the Federal Register of September 1, 1989 (54 FR 36326), EPA issued a proposed rule that gave notice that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition (PP) 9E3708 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR-4 Project, and the Agricultural Experiment Station of Puerto Rico.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and

Cosmetic Act, propose the establishment of a tolerance for the combined residues (free and bound) of the herbicide metolachlor [2-chloro-N-(2-ethyl-6-methylphenyl)-N-(2-methoxy-1-methylethyl)acetamide] and its metabolites, determined as the derivatives, 2-[(2-ethyl-6-methylphenyl)amino]-1-propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone, each expressed as the parent compound, in or on the raw agricultural commodity Cubanelle peppers at 0.1 part per million (ppm).

The petitioner proposed that this use be limited to Puerto Rico based on the geographical representation of the residue data submitted. Additional residue data will be required to expand the area of usage. Persons seeking geographically broader registration should contact the Agency's Registration Division at the address provided above.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerance will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities,

Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 8, 1989.

Douglas D. Camp,

Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.368, by revising the introductory texts of paragraphs (a), (b), and (c) to specify the regulated combined residue as 'free and bound' and by amending the table in paragraph (c) by adding and alphabetically inserting the raw agricultural commodity Cubanelle peppers, to read as follows:

§ 180.368 Metolachlor; tolerances for residues.

(a) Tolerances are established for the combined residues (free and bound) of the herbicide metolachlor [2-chloro-N-(2-ethyl-6-methylphenyl)-N-(2-methoxy-1-methylethyl)acetamide] and its metabolites, determined as the derivatives, 2-[(2-ethyl-6-methylphenyl)amino]-1-propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone, each expressed as the parent compound, in or on the raw agricultural commodities.

(b) Tolerances are established for the combined residues (free and bound) of the herbicide metolachlor [2-chloro-N-(2-ethyl-6-methylphenyl)-N-(2-methoxy-1-methylethyl)acetamide] and its metabolites, determined as the derivatives, 2-[(2-ethyl-6-methylphenyl)amino]-1-propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone, each expressed as the parent compound, in or on the following raw agricultural commodities when present therein as a result of the application of metolachlor to growing crops listed in paragraph (a) of this section to read as follows:

(c) Tolerances with regional registration as defined in § 180.1(n) are established for the combined residues (free and bound) of the herbicide metolachlor [2-chloro-N-(2-ethyl-6-methylphenyl)-N-(2-methoxy-1-methylethyl)acetamide] and its metabolites, determined as the derivatives, 2-[(2-ethyl-6-methylphenyl)amino]-1-propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone, each expressed

as the parent compound, in or on the following raw agricultural commodities:

Commodities	Parts per million
Peppers, Cubanelle	0.1

[FR Doc. 89-30129, Filed 12-27-89; 8:45 am]
BILLING CODE 6560-50-D

GENERAL SERVICES ADMINISTRATION

41 CFR Part 301-1

Acceptance of Travel, Subsistence, and Related Expenses From Non-Federal Sources

AGENCY: Federal Supply Service, GSA.
ACTION: Interim rule.

SUMMARY: This interim rule directs agencies and, where appropriate, employees to continue using regulations and procedures in effect prior to November 30, 1989, in accepting travel, subsistence, and related expenses from non-Federal sources, until the General Services Administration issues regulations further implementing 31 U.S.C. 1352, which became law on November 30, 1989.

EFFECTIVE DATE: This rule is effective November 30, 1989.

FOR FURTHER INFORMATION CONTACT: Larry Tucker, Travel Management Division (FBT), Washington, DC 20406, telephone FTS 557-1253 or commercial (703) 557-1253.

SUPPLEMENTARY INFORMATION: Section 302 of the Ethics Reform Act of 1989 amended title 31, United States Code, by adding a new section 1352 "Acceptance of travel and related expenses from non-Federal sources." Section 1352 gives the Administrator of General Services, in consultation with the Director of the Office of Government Ethics, authority to issue implementing regulations. Pending issuance of regulations further implementing 31 U.S.C. 1352, the General Services Administration has determined that agencies and, where appropriate, employees may continue to accept from non-Federal sources travel, subsistence, and related expenses incident to such activities in accordance with statutory authorities as implemented by agency regulations and procedures existing prior to November 30, 1989, including the Foreign Gifts and

Decorations Act, 5 U.S.C. 7342, and individual agency gift acceptance statutes.

The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for and consequences of this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Chapter 301

Government employees, Travel, Travel allowances, Travel and transportation expenses.

For the reasons set out in the preamble, title 41, chapter 301, of the Code of Federal Regulations is amended as set forth below.

PART 301-1—APPLICABILITY AND GENERAL RULES

1. The authority citation for part 301-1 reads as follows:

Authority: 5 U.S.C. 5701-5709; 31 U.S.C. 1352; E.O. 11609, July 22, 1971 (36 FR 13747).

2. Section 301-1.1 is revised to read as follows:

§ 301-1.1 Authority.

This chapter is issued under the authority of 5 U.S.C. 5701-5709 and 31 U.S.C. 1352.

3. Section 301-1.3 is amended by revising paragraph (b) to read as follows:

§ 301-1.3 General rules.

(b) Reimbursable expenses. (1) Travel expenses which will be reimbursed are confined to those expenses essential to the transaction of official business.

(2) Pending issuance of regulations further implementing 31 U.S.C. 1352, employees may continue to accept from non-Federal sources travel, subsistence, and related expenses incident to such activities in accordance with statutory authorities as implemented by agency regulations and procedures existing prior to November 30, 1989, including the Foreign Gifts and Decorations Act, 5 U.S.C. 7342, and individual agency gift acceptance statutes.

Dated: December 12, 1989.

Richard G. Austin,

Acting Administrator of General Services.

[FR Doc. 89-30043 Filed 12-27-89; 8:45 am]

BILLING CODE 6820-24-M

FEDERAL MARITIME COMMISSION

46 CFR Part 572

[Docket No. 89-23]

Agreements by Ocean Common Carriers and Other Persons Subject to Shipping Act of 1984

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: This removes the membership size limitation in the Federal Maritime Commission's exemption of membership changes in certain passenger vessel operator agreements from the notice and waiting period requirements of section 6 of the Shipping Act of 1984 and the Information Form, notice and waiting period requirements of 46 CFR part 572. This will enable such membership changes to become effective upon filing with the Federal Maritime Commission, regardless of the membership size of the involved agreement.

EFFECTIVE DATE: December 28, 1989.

FOR FURTHER INFORMATION CONTACT: Austin L. Schmitt, Director, Bureau of Trade Monitoring, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, (202) 523-5787.

SUPPLEMENTARY INFORMATION: The Federal Maritime Commission ("Commission") initiated this proceeding by notice published in the Federal Register of November 2, 1989 (54 FR 46273) ("Proposed Rule"). The Proposed Rule was issued concurrently with a separate order that revised 46 CFR 572.309(a)(2)(i) to exempt membership changes in certain passenger vessel operator agreements from certain procedural requirements of the Shipping Act of 1984, 46 U.S.C. app. 1701, *et seq.* ("1984 Act") and the Commission's rules thereunder, 46 CFR part 572. The exemption allows such membership changes to become effective upon filing with the Commission. Petition No. P2-89; Docket No. 89-22, *Cruise Lines International Association—Application for Section 16 Exemption*, Final Rule, 54 FR 46249 (November 2, 1989). This exemption was granted in response to an Application filed by Cruise Lines International Association ("CLIA"), which requested that membership changes in passenger

vessel operator discussion agreements open to all passenger vessels of a class defined in the agreements and consisting of 15 or more members, which do not contain ratemaking, pooling or joint service authority, be exempted from the notice and waiting period requirements of section 6 of the 1984 Act, and the Information Form, notice and waiting period requirements of 46 CFR part 572.

The Commission granted the essential exemption requested by CLIA, with some modifications to narrow the exemption's scope to also exclude membership changes in passenger vessel operator agreements containing sailing or space chartering authority and to otherwise improve the exemption's clarity and definiteness.

In granting the exemption requested by CLIA, the Commission also determined to propose an expansion of the exemption's scope to remove the membership size limitation, thus affording uniform treatment of membership changes in all such passenger vessel discussion agreements, regardless of the size of the agreement's membership. The membership size limitation issue was outside the scope of Petition No. P2-89 and could not, therefore, be addressed in that proceeding.

No comments on the Proposed Rule were received. In accordance with section 16 of the 1984 Act, the Commission finds that the exemption granted herein will not substantially impair effective regulation by the Commission, be unjustly discriminatory, result in a substantial reduction in competition, or be detrimental to commerce.

The Commission has determined that this rule is not a "major rule" as defined in Executive Order 12291 dated February 17, 1981, because it will not result in:

- (1) An annual effect on the economy of \$100 million or more;
- (2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- (3) Significant adverse effect on competition, employment, investment, productivity, innovations, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Acting Chairman of the Commission certifies pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, that this rule will not have a significant economic impact on a substantial number of small entities, including small businesses,

small organizational units or small governmental jurisdictions. The primary economic impact of this rule will be on passenger vessel operating ocean common carriers, which generally are not small entities.

The Paperwork Reduction Act, 44 U.S.C. 3501-3520, does not apply to this Proposed Rule because the amendment to part 572 of title 46, Code of Federal Regulations, does not impose any additional reporting or recordkeeping requirements or change the collection of information from members of the public which require the approval of the Office of Management and Budget.

The Commission has determined that this rule is excepted from the 30-day effective date requirement of 5 U.S.C. 553 because it grants an exemption and relieves a restriction from existing requirements.

List of Subjects in 46 CFR Part 572

Antitrust, Contracts, Maritime carriers, Administrative practice and procedure, Rates and fares.

Therefore, pursuant to 5 U.S.C. 553, and sections 5, 16 and 17 of the Shipping Act of 1984, 46 U.S.C. 1704, 1715, 1716, in order to exempt membership changes in certain passenger vessel discussion agreements from certain requirements of the 1984 Act, and the Commission's implementing regulations thereof, part 572 of title 46 of the Code of Federal Regulations is amended as follows:

PART 572—[AMENDED]

1. The authority citation to part 572 continues to read:

Authority: 5 U.S.C. 553; 46 U.S.C. app. 1701-1707, 1709-1710, 1712 and 1714-1717.

2. Section 572.309 is amended by revising paragraph (a)(2)(i) to read as follows:

§ 572.309 Miscellaneous modifications to agreements—exemptions.

(a) * * *

(2) * * *

(i) *Article 3*—Parties to the agreement (limited to conference agreements, and discussion agreements among passenger vessel operating ocean common carriers which are open to all ocean common carriers operating passenger vessels of a class defined in the agreements, which do not contain ratemaking, pooling, joint service, sailing or space chartering authority).

* * * * *

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 89-30136 Filed 12-27-89; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

[Docket No. 90637-9166]

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of closure.

SUMMARY: The Secretary of Commerce (Secretary) closes the commercial fishery for Spanish mackerel from the Atlantic migratory group in the exclusive economic zone (EEZ). The Secretary has determined that the commercial allocation for Atlantic group Spanish mackerel was reached on December 22, 1989. This closure is necessary to protect the overfished Atlantic Spanish mackerel resource.

EFFECTIVE DATE: Closure is effective at 12:01 a.m., local time, December 23, 1989, until 12:00 p.m. (midnight), local time, March 31, 1990.

FOR FURTHER INFORMATION CONTACT: Mark F. Godcharles, 813-893-3722.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP), as amended, was developed by the South Atlantic and Gulf of Mexico Fishery Management Councils (Councils) under authority of the Magnuson Fishery Conservation and Management Act, and is implemented by regulations at 50 CFR part 642. Regulations effective July 1, 1989 (54 FR 30554, July 21, 1989), implemented catch limits recommended by the Councils for the Atlantic migratory group of Spanish mackerel for the current fishing year (April 1, 1989, through March 31, 1990). As amended by implementation of Amendment 4 to the FMP (54 FR 38526, September 19, 1989), those regulations set the commercial allocation at 3.24 million pounds.

Under § 642.22(a), the Secretary is required to close any segment of the Spanish mackerel commercial fishery when its allocation has been reached, or is projected to be reached, by publishing a notice in the Federal Register. The Secretary has determined that the commercial allocation for the Atlantic migratory group of Spanish mackerel of 3.24 million pounds was reached on December 22, 1989. Hence, the commercial fishery for Atlantic group Spanish mackerel is closed effective 12:01 a.m., December 23, 1989, through

March 31, 1990, the end of the fishing year. The closure applies in the EEZ from the Virginia/North Carolina border southward to a line extending directly east from the Dade/Monroe County, FL boundary (25°20.4' N. latitude).

Except for a person on a charter vessel, during the closure, no person aboard a vessel permitted to fish under a commercial allocation may fish for, retain, or have in possession in the EEZ Spanish mackerel from the Atlantic migratory group. A person aboard a charter vessel may continue to fish for Spanish mackerel from the Atlantic migratory group under the bag limit set forth in § 642.28(a)(4), provided the vessel is under charter (i.e., there are more than three persons aboard, including captain and crew) and the vessel has an annual charter vessel permit issued under § 642.4(a)(3).

During the closure, Spanish mackerel from the Atlantic migratory group taken in the EEZ, including those harvested under the bag limit, may not be purchased, bartered, traded, or sold. This prohibition does not apply to trade in Spanish mackerel from the Atlantic migratory group that were harvested, landed, and bartered, traded, or sold prior to the closure and held in cold storage by a dealer or processor.

Other Matters

This action is required by 50 CFR 642.22(a) and complies with E.O. 12291.

Authority: 16 U.S.C. 1801 *et seq.*

List of Subjects in 50 CFR Part 642

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: December 22, 1989.

Richard H. Schaefer,
Director of Office of Fisheries Conservation
and Management, National Marine Fisheries
Service.

[FR Doc. 89-30183 Filed 12-22-89; 4:03 pm]

BILLING CODE 3510-22-M

50 CFR Part 675

[Docket No. 81131-9019]

Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of rescinding prohibition on receipt of groundfish.

SUMMARY: NOAA announces the rescission of the prohibition on the receipt of certain groundfish by joint venture processing (JVP) operations in the Bering Sea and Aleutian Islands area. This prohibition applied to Pacific

cod taken by directed fishing for that species. This action, taken under provisions of the fishery management plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI), is necessary to assure optimum use of groundfish in that area. It is a conservation and management measure intended to promote fishery objectives of the North Pacific Fishery Management Council (Council).

DATES: Effective December 20, 1989 through December 31, 1989. Comments will be accepted through January 4, 1990.

ADDRESSES: Comments should be mailed to Steven Pennoyer, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802, or be delivered to Room 453, Federal Building, 709 West Ninth Street, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Janet E. Smoker (Fishery Management Biologist, NMFS), 907-586-7230.

SUPPLEMENTARY INFORMATION: The FMP is implemented by rules appearing at 50 CFR 611.93 and part 675.

Earlier this year, NOAA announced the prohibition of the receipt by foreign processors of Pacific cod taken by directed fishing for that species (54 FR 6934, February 15, 1989). A later action (54 FR 37112, September 7, 1989) apportioned sufficient amounts of Pacific cod (30,000 mt) to JVP to provide bycatch amounts for additional amounts of pollock, yellowfin sole, and "other flatfish" which were apportioned to JVP by the same action. The prohibition of the receipt by foreign processors of Pacific cod taken by directed fishing for Pacific cod remained in effect.

During the fall joint venture fishery, the bycatch rate of Pacific cod in the yellowfin sole and flatfish fisheries has averaged about 6 percent, half the rate anticipated. To date, only 44,100 mt of the JVP quota for Pacific cod (67,466 mt) has been taken. The amount of the quota remaining is more than sufficient to allow for bycatch in ongoing pollock and flatfish fisheries.

Therefore, foreign processors may receive Pacific cod taken by directed fishing for this species, effective noon, Alaska standard time, December 20 through December 31, 1989.

Classification

This action is taken under the authority of 50 CFR 675.20(b) and complies with Executive Order 12291.

The Assistant Administrator for Fisheries, NOAA, finds for good cause that it is impractical and contrary to the public interest to provide prior notice and comment. Immediate effectiveness of this notice is necessary to allow

fisherman to take the allotted quota in the short time remaining in the fishing season. In addition, this action relieves a restriction obviating the need for delayed effectiveness. However, interested persons are invited to submit comments in writing to the address above for 15 days after the effective date of this notice.

List of Subjects in 50 CFR Part 675

Fish, Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: December 21, 1989.

Richard H. Schaefer,
Director of Office of Fisheries Conservation
and Management, National Marine Fisheries
Service.

[FR Doc. 89-30048 Filed 12-22-89; 11:05 am]

BILLING CODE 3510-22-M

50 CFR Part 675

[Docket No. 90407-9170]

Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of reapportionment.

SUMMARY: The Director, Alaska Region, NMFS (Regional Director), has determined that previously specified prohibited species catch (PSC) allowances for *Chionocetes bairdi* Tanner crab and for Pacific halibut are incorrect and must be redistributed among domestic fisheries. This action is necessary to allow for the full harvest of the groundfish optimum yield (OY) within constraints imposed by PSC limits. This action is intended to carry out the objectives of measures to control the bycatch of prohibited species in the trawl fishery for groundfish.

DATES: Effective December 20, 1989 through December 31, 1989. Comments will be accepted through January 4, 1990.

ADDRESSES: Comments should be mailed to Steven Pennoyer, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802, or be delivered to Room 453, Federal Building, 709 West Ninth Street, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Janet E. Smoker (Fishery Management Biologist), NMFS, Alaska Region, P.O. Box 21668, Juneau, Alaska 99802-1668, telephone 907-586-7229.

SUPPLEMENTARY INFORMATION: The Secretary approved Amendment 12A to the Fishery Management Plan for the Groundfish Fishery in the Bering Sea

and Aleutian Islands Area (FMP) under authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act) on July 7, 1989.

Amendment 12A was implemented by the Secretary with a final rule promulgated August 9, 1989 (54 FR 32642) and effective September 3, 1989 through December 31, 1990.

The purpose of Amendment 12A is to limit incidental catches of the prohibited species Tanner crab, red king crab, and Pacific halibut by the groundfish fisheries in the Bering Sea and Aleutian Islands area. Such incidental catches are referred to as bycatches in fisheries targeting other species. The amendment establishes five prohibited species catch (PSC) limits, each of which are apportioned into PSC allowances among four fisheries: The domestic annual processing (DAP) fisheries for (1) flatfish and (2) other species, and the joint venture processing (JVP) fisheries for (3) flatfish and (4) other species. Each of the 20 PSC allowances prescribed for the 1989 groundfish fisheries were specified in the final rule implementing Amendment 12A (50 CFR 675.21, Table 2, 54 FR 32651, August 9, 1989). Specification of the PSC allowances was based on the anticipated bycatch of prohibited species through the use of a mathematical prediction procedure using statistical information derived from fishery performance in previous

years and projected performance for the 1989 fishing year.

Reapportionment

The Regional Director has determined that incomplete harvest information and the prediction procedure based on this information have led to incorrect specification of PSC allowances for *C. bairdi* Tanner crab and for Pacific halibut and, therefore, these allowances must be redistributed to allow for the full harvest of the available groundfish OY. This redistribution of the PSC allowances is based on the best available scientific information concerning the actual groundfish harvest to date and new projections of harvest for the remainder of the fishing year.

As of December 2, the JVP flatfish fishery had taken 415,129 *C. bairdi* crabs, exceeding its allowance of 280,077 by 135,062 crabs in Zone 2, whereas the JVP other fishery had taken only 158,743 crabs, leaving 471,712 crabs in its Zone 2 allowance.

On September 3, reapportionments of Pacific halibut PSC allowances were made effective (54 FR 37113; September 7, 1989). As of December 2, the JVP other fishery had taken 536 mt of Pacific halibut, leaving only 19 mt of its secondary Pacific halibut allowance of 555 mt. As of November 25, the DAP other fishery had taken 2,902 mt of Pacific halibut, leaving 1,179 mt of its total secondary Pacific halibut allowance of 4,081 mt. In September,

NMFS had projected that the DAP other fishery would use its entire secondary Pacific halibut allowance by the end of 1989. However, DAP catches of Pacific cod (the target species in the other fishery category that contributes most to Pacific halibut bycatch) have been less than anticipated and NMFS estimates that at least 20,000 mt of DAP Pacific cod will remain uncaught at the end of the year. NMFS projects that at recent catch rates, an additional 960 mt of Pacific halibut will be required as bycatch for anticipated catches in the DAP other fishery from November 26 to the end of the year.

The Regional Director has determined that there is insufficient *C. bairdi* PSC allowance apportioned to the JVP flatfish fisheries and excessive *C. bairdi* PSC allowance apportioned to the JVP other fisheries. He has also determined that there is insufficient Pacific halibut PSC allowance apportioned to the JVP other fishery and excessive Pacific halibut PSC allowance to the DAP other fishery. The proposed adjustment will allow redistribution of uncaught PSC allowances among fisheries and allow fisheries to be prosecuted that otherwise would be closed, thus leaving large amounts of groundfish uncaught.

Therefore, the Secretary is redistributing the uncaught *C. bairdi* and halibut PSC allowances specified in Table 2, 50 CFR 675.21, among fisheries as follows:

REAPPORTIONMENT OF 1989 PROHIBITED SPECIES CATCH (PSC) ALLOWANCES (*C. bairdi* IN NUMBERS OF ANIMALS, HALIBUT IN METRIC TONS)

Type	Target	Area	PSC	Current allowance	Change	New allowance
JVP	Flatfish	Zone 2	<i>C. bairdi</i>	280,077	+283,000	563,077
JVP	Other	Zone 2	<i>C. bairdi</i>	630,455	-283,000	347,455
JVP	Other	BSA	Halibut	555	+219	774
DAP	Other	BSA (Secondary)	Halibut	4,081	-219	3,862
		BSA (Secondary)				

Classification

This action is taken under §§ 675.20 and 675.21 and complies with Executive Order 12291. The Assistant Administrator for Fisheries, NOAA, finds for good cause that it is impractical and contrary to the public interest to provide prior notice and comment. Immediate effectiveness of this notice is necessary to benefit

domestic fishermen whose fisheries would otherwise be closed from key fishing areas. Interested persons are invited to submit comments in writing to the address above for 15 days after the effective date of this notice.

List of Subjects in 50 CFR 675

Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: December 21, 1989.

Richard H. Schaefer,
Director of Office of Fisheries Conservation
and Management, National Marine Fisheries
Service.

[FR Doc. 89-30049 Filed 12-22-89; 11:06 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 54, No. 248

Thursday, December 28, 1989

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 354

9 CFR Part 97

[Docket 89-201]

Fee Increase for Overtime Services

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations that establish charges for Sunday, holiday, or overtime work performed by inspectors of the Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture, at laboratories, border ports, seaports, and airports. The regulations would be amended by: (1) Increasing the hourly rate charged a person, firm or corporation having ownership, custody, or control of plants, plant products, animals, animal byproducts, or other commodities or articles subject to certain inspection, laboratory testing, certification, or quarantine and who requires the services of an APHIS employee on a Sunday or holiday or at any other time outside the employee's regular tour of duty; and (2) increasing the hourly rates charged an owner or operator of an aircraft requesting inspection or quarantine services at an airport outside of the regularly established hours of service. This action is necessary in order to reflect salary increases for Federal employees in accordance with the Federal Pay Comparability Act of 1970 (Pub. L. 91-656), and subsequent appropriation legislation, and to reflect allowable costs associated with the implementation of the Debt Collection Act of 1982.

DATE: Consideration will be given only to comments received on or before January 12, 1990.

ADDRESSES: To help ensure that your written comments are considered, send an original and three copies to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, Room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket 89-201. Comments received may be inspected at USDA, Room 1141, South Building, 14th and Independence Avenue, SW., between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Paul R. Eggert, Director, Resource Management Support, PPQ, APHIS, USDA, Room 621, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7764; or Louise Rakestraw Lothery, Director, Resource Management Support Staff, VS, APHIS, USDA, Room 740, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782, (301) 436-7517.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR chapter I, subchapter D, and 7 CFR, chapter III (referred to below as "the regulations"), require inspection, laboratory testing, certification, or quarantine of certain animals, animal byproducts, plants, plant products, or other commodities or articles intended for importation into, or exportation from, the United States. When these services must be provided by an APHIS employee on a Sunday or holiday, or at any other time outside the APHIS employee's regular duty hours, the Government charges a fee for the services in accordance with 9 CFR part 97 and 7 CFR part 354.

Each year the fees for these services provided by APHIS employees are reviewed and a cost analysis is performed to determine if such fees are adequate to recover the cost of providing these services. The fees to be charged for these services have been determined by an analysis of data on the current cost of these services; anticipated costs associated with changes in operations of the program; and increases in those costs due to an increase in salaries of Federal employees allocated by Congress under the Federal Pay Comparability Act of 1970 and other increases affecting Federal employees, such as costs for travel and benefits.

Based on the Agency's analysis of the increased costs in providing these services, incurred as a result of a January 1990 pay raise of 3.6 percent for Federal employees, increased costs of the retirement system in 1990, and increased health insurance and travel costs, APHIS proposes to increase the fees relating to such services.

With certain exceptions explained below, the rates would be increased by \$2.24 per hour for services performed outside the regular tour of duty on a Sunday and by \$1.92 per hour for services performed outside the regular tour of duty on a holiday or any other period. The new rates would be \$40.16 and \$31.20, respectively.

The hourly rates charged an owner or operator of an aircraft requesting inspection or quarantine services at an airport outside of the regularly established hours of service would be increased as follows: For services performed outside of the regularly established hours of service on a Sunday, the rate would be increased by \$1.44 per hour, to \$32.60. For services performed outside of the regularly established hours of service on a holiday or any other period, the rate would be increased by \$1.20 per hour, to \$24.88.

Owners and operators of aircraft will continue to be provided inspection services without reimbursement during regularly established hours of service on a Sunday or holiday. Further, no change is proposed in the \$25.00 limit for all private aircraft or private vessel inspection services performed on a Sunday, holiday, or at any time after 5 p.m. or before 8 a.m. on a weekday by the Customs Service, Immigration and Naturalization Service, Public Health Service, and the Department of Agriculture.

Public Comment Period

James W. Glosser, Administrator of the Animal and Plant Health Inspection Service, has determined that this rulemaking proceeding should be expedited by allowing a 15-day comment period on this proposal. This is a full cost recovery program. In order for all costs associated with this program to be recovered these rates must be in effect by January 14, 1990.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this proposed rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule would have an effect on the economy of less than \$100 million; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and would not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Based on information compiled by the Department, we estimate that APHIS for calendar year 1989 will have provided an average of 12,780 hours per week of services for which charges are assessed. These services were requested by thousands of entities. We do not expect that the number of hours of service for which charges will be imposed will increase significantly in 1990.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

List of Subjects**7 CFR Part 354**

Agricultural commodities, Exports, Government employees, Imports, Plants (Agriculture), Quarantine, Transportation.

9 CFR Part 97

Exports, Government employees, Imports, Livestock and livestock products, Poultry and poultry products, Transportation.

Accordingly, 7 CFR part 354 and 9 CFR part 97 would be amended as follows:

TITLE 7—[AMENDED]**PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS**

1. The authority citation for 7 CFR part 354 would continue to read as follows:

Authority: 7 U.S.C. 2260; 49 U.S.C. 1741; 7 CFR 2.17, 2.51 and 371.2(c).

§ 354.1 [Amended]

2. In paragraph (a)(1) introductory text of § 354.1, "\$37.92" would be removed and "\$40.16" added in its place, and "\$29.28" would be removed and "\$31.20" added in its place.

3. In paragraph (a)(1)(iii) of § 354.1, "\$31.16" would be removed and "\$32.60" added in its place, and "\$23.68" would be removed and "\$24.88" added in its place.

TITLE 9—[AMENDED]**PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS**

4. The authority citation for 9 CFR part 97 would continue to read as follows:

Authority: 7 U.S.C. 2260; 49 U.S.C. 1741; 7 CFR 2.17, 2.51 and 371.2(d).

§ 97.1 [Amended]

5. In paragraph (a) introductory text of § 97.1, "\$37.92" would be removed and "\$40.16" added in its place, and "\$29.28" would be removed and "\$31.20" added in its place.

6. In paragraph (a)(3) of § 97.1, "\$31.16" would be removed and "\$32.60" added in its place, and "\$23.68" would be removed and "\$24.88" added in its place.

Done in Washington, DC, this 22nd day of December 1989.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 89-30095 Filed 12-27-89; 8:45 am]

BILLING CODE 3410-34-M

Farmers Home Administration**7 CFR Part 1965****Security Servicing for Multiple Family Housing Loans**

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to amend its multiple family housing security servicing regulations. This action is being taken to clarify the consolidation section, to change the effective interest rate to be used for new term transfers and reamortizations and to revise the reamortization section to include reamortizations with cost items. This action is necessary to clarify current instructions.

DATES: Comments must be submitted on or before February 28, 1990.

ADDRESS: Submit written comments in duplicate to the Office of the Chief, Directives and Forms Management Branch, FmHA, Room 6348, South Agriculture Building, Washington, DC 20250. All written comments made pursuant to this notice will be available for public inspection during regular work hours at the above address.

FOR FURTHER INFORMATION CONTACT: Wanda L. Triplett, Loan Specialist, Multiple Family Housing Servicing and Property Management Division, Farmers Home Administration (FmHA), USDA, Room 5333, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC 20250, telephone (202) 382-1612.

SUPPLEMENTARY INFORMATION:**Classification**

This action has been reviewed under USDA procedures established in Departmental Regulation 1512-1, which implements Executive Order 12291, and has been determined to be nonmajor because there will not be an annual effect on the economy of \$100 million or more; a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or significant adverse effects on competition employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, "Environmental Program." It is the determination of FmHA that this action, consisting only of accounting changes, does not constitute a major Federal action significantly affecting the quality of the human environment, and, in accordance with the National Environmental Policy Act of 1969, Public Law 91-190, an Environmental Impact Statement is not required.

Regulatory Flexibility Act

This final rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601-612). The undersigned has determined and certified by signature of this document that this rule will not have a significant economic impact on a substantial number of small entities since this rulemaking action does not involve a new or expanded program.

Intergovernmental Consultation

For the reasons set forth in the Final Rule related Notice(s) to 7 CFR part 2015, subpart V, programs 10.415 Rural Rental Housing Loans and 10.427—Rural Rental Assistance Payments are subject to Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Programs Affected

These changes affect the following FmHA programs as listed in the Catalog of Federal Domestic Assistance: 10.405 Farm Labor Housing Loans and Grants 10.415 Rural Rental Housing Loans

List of Subjects in 7 CFR Part 1965

Administrative practice and procedure, Low and moderate income housing—Rental, and Mortgages.

Therefore, as proposed, chapter XVIII, title 7, Code of Federal Regulations is amended as follows:

PART 1965—REAL PROPERTY

1. The authority citation for part 1965 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.33; 7 CFR 2.70.

Subpart B—Security Servicing for Multiple Housing Loans

2. Section 1965.65 is amended by revising the last sentence of paragraph (f)(2) and the first sentence of paragraph (f)(6)(i) to read as follows:

§ 1965.65 Transfer of real estate security and assumption of loans.

(f) ***
(2) *** If the loan account or the reserve account cannot be brought current, or less than the total debt is assumed, the transfer will be closed on new terms and the interest rate charged by FmHA will be the current rate being charged for those loans at the time of loan closing, or the interest rate at the time of approval (the date Form FmHA 1944-51 is approved), whichever is less.

(6) ***

(i) The interest rate charged for all loans, except LH loans, will be the current rate being charged for those loans at the time of loan closing, or the interest rate at the time of approval (the date Form FmHA 1944-51 is approved), whichever is less. ***

3. Section 1965.68 is revised to read as follows:

§ 1965.68 Consolidation.

General. Loans and/or loan agreements/resolutions may be consolidated to reduce the administrative burden (recordkeeping, budgeting, etc.), to improve the cost effectiveness and efficiencies of project operations, and/or to effectively utilize the physical facilities common to projects. State Directors may approve the consolidations with the advice of OGC and when the following conditions are met:

(a) *Consolidation of loans.* (1) The loans are being transferred under § 1965.65(f)(6) of this subpart on *new terms* to the transferee.

(2) The promissory notes and the loan agreements/resolutions will be consolidated.

(3) The conditions for consolidation of loan agreements/resolutions must be met.

(4) The total indebtedness (principal plus accrued interest, overage and late fees) of all loans being consolidated does not exceed the State Director's approval authority.

(b) *Processing consolidation of loans.*

(1) Form FmHA 1944-52, "Multiple Family Housing Promissory Note," will be prepared for the notes or assumption agreements being consolidated according to the FMI. If the District Office does not have possession of the original note or assumption agreement, the District Director will call the Finance Office to request the return of the original form so it is in the District Office before a new Form FmHA 1944-52 is processed. Promissory notes should be prepared on a monthly payment basis, as appropriate.

(2) A new Form FmHA 1944-7, "Interest Credit and Rental Assistance Agreement," will also be prepared and submitted to the Finance Office in accordance with the FMI.

(3) Form FmHA 1965-17A, "Multiple Family Housing Consolidation of Projects/Loan Agreements/Resolutions," will be completed to show all of the notes which have been consolidated in the new Form FmHA 1944-52. A copy of the completed Form FmHA 1965-17a will also be sent to the

Finance Office. The AMAS M5A screen for all projects should be reviewed and updated, as appropriate, before submitting Form FmHA 1965-17A.

(4) The original and District Office copies of all notes or assumption agreements that are consolidated, will be stamped "consolidated", by the District Office. The original instruments being consolidated will be filed in the borrowers case file. When the consolidated note has been paid in full or otherwise satisfied, it and all other instruments will be handled according to the provisions of § 1951.15 of subpart A of part 1951.

(5) A consolidated loan agreement or resolution using Form FmHA 1944-33A, "Consolidated Loan Agreement RRH Insured Loan to an Individual Operating on a Profit Basis or RRH Loan to an Individual Operating on a Limited Profit Basis," FmHA 1944-34A, "Consolidated RRH Loan Agreement To a Partnership Operating on a Profit Basis, To Limited Partnership Operating on a Profit Basis, To a Partnership Operating on a Limited Profit Basis, To a Limited Partnership Operating on a Limited Profit Basis," or FmHA 1944-35A, "Consolidated Loan Resolution RRH Loan to a Broadly Based Nonprofit Corporation, RRH Loan to a Profit Type Corporation, RRH Loan to Profit Type Corporation Operating on a Limited Profit Basis," as appropriate, will be prepared for RRH loans to reflect current reporting requirements and the authorized initial investment attributable to the owner after the consolidation has occurred. A revised consolidated loan agreement or resolution will be prepared for LH loans containing the requirements of Exhibit C, D, or E of subpart D of part 1944 of this chapter, as appropriate.

(6) Consolidation of notes will only be accomplished with the guidance and assistance of OGC. Under no circumstances will promissory notes be consolidated if the security position of FmHA will be adversely affected.

(7) New security instruments which describe the consolidated note will be filed to perfect the FmHA lien position. If the new lien position taken is junior only to the previous lien position securing the loans being consolidated, the previous security instruments may be released with the guidance and assistance of OGC.

(c) *Consolidation of loan agreements/resolutions (project consolidation).* (1) The security for the loans must be on the total project; "project" being defined per subpart C of part 1930 of this chapter.

(2) The State Director may approve

the consolidation of loan agreements/resolutions irrespective of the total indebtedness represented by all loan agreements/resolutions being consolidated.

(3) The loan agreements being consolidated are for loans made for the same purpose (for example, loans specifically made for senior citizen projects cannot be consolidated with loans for family projects), to the same borrower entity and have the same plan of operation (nonprofit, limited profit or full profit), and are operating under the same type of Interest Credit, if applicable.

(4) The requirements of subpart C of part 1930 of this chapter concerning reporting, accounting and project management will be fulfilled as a single project.

(5) All project accounts being consolidated must be current after the consolidation processes, unless authorized by the National Office.

(6) RA agreements will not be consolidated; each RA agreement will be tracked under a separate RA number through AMAS. The RA can be assigned to eligible tenants in the new "project" per assignment priorities. The waiting list(s) for the projects being consolidated will be combined.

(7) The appropriate restrictive-use language set forth in § 1965.90(b)(2)(i) of this subpart for RRH, RCH or LH loans will be added to those loans not previously subject to restrictive use, with the advice of OGC, to the loan agreement/resolution as a condition of FmHA approval of the project consolidation. The restrictive-use period will begin on the date the consolidation is effective for loans not previously subject to restrictive use provisions.

(d) *Processing loan agreement/resolution consolidations.* (1) Form FmHA 1965-17A will be completed to show all of the notes for the projects being consolidated. The AMAS M5A screen for all projects should be reviewed and updated before submitting Form FmHA 1965-17A.

(2) A consolidated loan agreement or resolution using Form FmHA 1944-33A, 1944-34A, or 1944-35A, as appropriate, will be prepared for RRH loans to reflect current reporting requirements and the authorized initial investment attributable to the owner after the consolidation has occurred. A revised consolidated loan agreement or resolution will be prepared for LH loans containing the requirements of Exhibit C, D, or E of subpart D of part 1944 of this chapter, as appropriate.

(3) Consolidation of projects will only be accomplished with the guidance and assistance of OGC. Under no

circumstances will projects be consolidated if the security position of FmHA will be adversely affected.

(4) All of the general requirements of paragraph (c) of this section must be met.

(5) Neither the terms nor the due date of the loan(s) involved are altered, and other security instruments remain unchanged, and are not released.

(6) All of the loan agreements or loan resolutions being consolidated may be secured by one deed of trust or mortgage describing all of the loans for the projects if required by OGC.

4. Section 1965.70 is amended by revising paragraph (d)(5) and by adding paragraphs (b)(3) (viii), (ix) and (x) and (d)(9) to read as follows:

§ 1965.70 Reamortization.

* * * * *

(b) * * *

(3) * * *

(viii) All MFH loans being reamortized must be closed on PASS, except LH loans specified in § 1951.501 (a)(2)(i) of subpart K of this part. All initial and subsequent loans must convert to PASS in connection with the reamortization.

(ix) When recoverable cost items are involved, they are first capitalized by adding them to the principal loan balance outstanding on the oldest loan and then the entire indebtedness (principal plus outstanding interest, overage and late fees) is reamortized.

(x) Audit receivables may not be reamortized.

* * * * *

(d) * * *

(5) The interest rate for the account will be unchanged except when the final due date has been extended. The interest rate charged will be the rate at the time the reamortization request (Form FmHA 1951-33) is approved, or the current interest rate at the closing, whichever is less.

* * * * *

(9) Reamortizations will always be closed the first day of the month. Unpaid interest to the date of closing may be capitalized.

* * * * *

Dated: December 1, 1989.

Neal Sox Johnson,
Administrator, Farmers Home
Administration.

[FR Doc. 89-30096 Filed 12-27-89; 8:45 am]

BILLING CODE 3410-07-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 170

RIN 3150 AD23

Revision of Fee Schedules: Radioisotope Licenses and Topical Reports

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule; notice of meeting.

SUMMARY: On December 1, 1989 (54 FR 49763), the NRC published for public comment a proposed rule to amend the fee schedule in 10 CFR 170 of the Commission's regulations. The proposed rule indicated that public meetings would be held in Region I on January 8, 1990 and in Region III on January 11, 1990 to discuss the proposed changes. This document announces a third public meeting to be held in Region IV.

DATE: The meeting will be held on January 17, 1990.

ADDRESSES: The meeting will be held at 1:00 p.m., Arlington Hilton Hotel, 2401 East Lamar Boulevard, Arlington, Texas.

FOR FURTHER INFORMATION CONTACT: Lee Hiller, Deputy Controller, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-7351.

Dated at Rockville, Maryland, this 21st day of December, 1989.

For the Nuclear Regulatory Commission,
James M. Taylor,

Executive Director for Operations.

[FR Doc. 89-30077 Filed 12-27-89; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 7, 70, and 75

RIN 1219-AA27

Approval Requirements for Diesel-Powered Machines and Approval, Exposure Monitoring, and Safety Requirements for the Use of Diesel-Powered Equipment in Underground Coal Mines; Proposed Rules; Extension of Comment Periods

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Proposed rules; extension of comment period.

SUMMARY: The Mine Safety and Health Administration (MSHA) is extending the

period for public comment regarding the Agency's Advance Notice of Proposed Rulemaking and the proposed rules for the approval and use of diesel powered equipment in underground coal mines in 30 CFR parts 7, 70, and 75.

DATES: This action extends the comment period for the Advance Notice of Proposed Rulemaking (ANPRM) on the Approval Requirements for Diesel Powered Machines to February 2, 1990. (54 FR 40996, October 4, 1989). This notice also extends the comment period on the proposed rules for Approval, Exposure Monitoring and Safety Requirements for the Use of Diesel Powered Equipment in Underground Coal Mines (30 CFR parts 7, 70, 75) until July 6, 1990 (54 FR 40950, October 4, 1989).

ADDRESS: Send written comments to the Mine Safety and Health Administration, Office of Standards, Regulations and Variances, Room 631, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, (703) 235-1910.

SUPPLEMENTARY INFORMATION: The Mine Safety and Health Administration (MSHA) has received several requests from the mining community to extend the comment period on the proposed diesel rules. These requests were based on the complex nature of the proposed regulations and the interaction of the proposed diesel rules with certain parts of the Agency's air quality proposal published on August 29, 1989 (54 FR 35760). In response to these requests, the Agency has decided to extend the comment period on the ANPRM and the proposed rules.

In regard to the ANPRM, the comment period will be extended until February 2, 1990. This extension should allow commenters time to focus their efforts on the specific questions posed by MSHA in the notice concerning the machine approval requirements. MSHA then plans to proceed with a rulemaking proposal based on the comments received. The Agency anticipates publishing a proposed rule in the spring of 1990. The Agency believes that extending the comment period for the ANPRM for 30 days will allow the machine approval proposed requirements to ultimately be published concurrently with the diesel rules as they become final.

With regard to the extension of the comment period for 30 CFR parts 7, 70 and 75 of the proposed diesel rules, MSHA will extend the comment period until July 6, 1990. This will allow time for

public hearings in the early spring of 1990 on certain sections of the Agency's proposed air quality rules. These public hearings will address the issues of exposure monitoring procedures, and the appropriate exposure limit for nitrogen dioxide (NO₂), which are referenced in the diesel proposal for 30 CFR part 70. Because these issues have an impact on the proposed diesel rules, the Agency has deemed it to be in the public interest to allow time for the air quality hearings to address these issues first, before commenters would be required to submit written comments on the diesel proposal.

Therefore, in order to allow all interested parties to adequately prepare comments to these complex and interrelated issues, the Agency believes that these extensions of time are necessary.

Dated: December 22, 1989.

William J. Tattersall,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 89-30119 Filed 12-27-89; 8:45 am]

BILLING CODE 4510-43-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 817

Availability of Petition To Initiate Rulemaking; Surface Coal Mining and Reclamation Operations; Permanent Program Performance Standards; Underground Mining Activities

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Extension of comment period.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) of the United States Department of the Interior (DOI) is extending the comment period on a notice of availability of a petition to initiate rulemaking to amend OSM's regulations governing blasting operations at surface coal mines.

DATES: The comment period on the notice of availability of a petition to initiate rulemaking is extended until 5 p.m. Eastern time on January 22, 1990.

ADDRESSES: Mail comments on proposal to the Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 5131A, 1951 Constitution Avenue, NW., Washington, DC 20240; or hand-deliver to the Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 5131, 1100 L St., NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dermot M. Winters, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, DC 20240; Telephone: 202-343-1928 (Commercial or FTS).

SUPPLEMENTARY INFORMATION: On December 6, 1989 OSM published a notice of availability of a petition to initiate rulemaking to amend OSM's regulations governing blasting operations at surface coal mines. The petitioner suggested that OSM amend its rules by revising 30 CFR 817.62 and 30 CFR 817.67 to provide increased protection from blasting damage outside the permit area than is afforded under the current rules.

OSM has received written requests from the National Wildlife Federation and the National Coal Association to extend the comment period on the petition for rulemaking in order to provide their respective organizations additional time to prepare comments on what they consider a complex area of OSM's technical regulations. The National Coal Association specifically asked for an extension of 30 days beyond the present January 5 closing date.

Section 201(g) (4) of the Surface Mining Control and Reclamation Act requires that the OSM Director either grant or deny any rulemaking petition within 90 days after it has been filed. In this instance, that decision must be made by January 29, 1990. Consequently, in consideration of the January 29 decision deadline, OSM is extending the comment period until January 22, 1990 and will accept written comments on the notice of availability of the petition to initiate rulemaking until 5 p.m. Eastern time on that date.

Dated: December 21, 1989.

W. Hord Tipton,

Acting Director.

[FR Doc. 89-30090 Filed 12-27-89; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Part 916

Kansas Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Withdrawal of proposed amendment.

SUMMARY: OSM is announcing the withdrawal of a proposed amendment to the Kansas Permanent Regulatory Program. The proposed amendment

pertains to administrative procedures for public hearings. Kansas is withdrawing this amendment because it intends to revise it and submit it as another formal amendment at a future date.

DATE: This withdrawal is effective December 28, 1989.

FOR FURTHER INFORMATION CONTACT:

William J. Kovacic, Director, Kansas City Field Office, Office of Surface Mining Reclamation and Enforcement, 1103 Grand Avenue, Room 502, Kansas City, Missouri 64106; Telephone (816) 374-6405.

SUPPLEMENTARY INFORMATION: By letter dated November 2, 1989 (Administrative Record No. KS-446), Kansas submitted a proposed amendment to its program pursuant to the Surface Mining Control and Reclamation Act of 1977. The proposed amendment adopted by reference the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.* to be used for public hearings concerning the surface mining program in Kansas.

On November 17, 1989 (Administrative Record No. KS-454), OSM announced receipt and solicited public comment on the program amendment (54 FR 47776). On December 11, 1989 (Administrative Record No. KS-455) Kansas notified OSM of its desire to withdraw the proposed amendment. Therefore, the proposed amendment announced in the November 17, 1989, *Federal Register* is withdrawn, and part 916 title 30 of the Code of Federal Regulations is not amended.

List of Subjects in 30 CFR Part 916

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: December 19, 1989.

Raymond L. Lowrie,
Assistant Director, Western Field Operations.
[FR Doc. 89-30091 Filed 12-27-89; 8:45 am]
BILLING CODE 4310-05-M

**GENERAL SERVICES
ADMINISTRATION**

41 CFR Part 201-41

**Mandatory Federal
Telecommunications System 2000
(FTS2000) Network**

AGENCY: Information Resources Management Service, GSA.

ACTION: Notice of proposed rulemaking (NPR).

SUMMARY: This proposed rule will provide for the mandatory use of FTS2000 intercity voice, data, and video

services when made available on that network. This regulation, issued pursuant to the Brooks Act (40 U.S.C. 759), will require the use of the FTS2000 network by all agencies subject to section 111 of the Federal Property and Administrative Services Act. This regulation will also implement the Congressional intent set forth in section 621 of Public Law 101-136 (November 3, 1989; 103 Stat. 783) which requires that certain Federal agencies must use the FTS2000 network. GSA may grant exceptions to agencies for unique requirements which cannot be satisfied by the FTS2000 network. This regulation will also supersede and cancel FIRM Interim Rule 1 (July 29, 1988; 53 FR 28638).

ADDRESS: To request a copy or to submit comments on this proposed rule, contact the General Services Administration (KMPR), Project KMP-90-20, Washington, DC 20405.

DATE: Comments are due February 13, 1990.

FOR FURTHER INFORMATION CONTACT: William R. Loy, GSA, Regulations Branch (KMPR), Office of Information Resources Management Policy, telephone (202) or FTS 566-0194.

SUPPLEMENTARY INFORMATION: (1) Section 621 of Public Law 101-136 (November 3, 1989; 103 Stat. 783) requires that Federal agencies subject to section 111 of the Federal Property and Administrative Services Act of 1949, as amended, (40 U.S.C. 759) cannot expend appropriated monies for products or services available on the FTS2000 network unless (1) such product or service is obtained as part of the FTS2000 procurement or (2) GSA grants an exception to the use of the FTS2000 network for a unique agency requirement that cannot be satisfied by the FTS2000 network, and the resultant agency procurement would be cost-effective and would not adversely affect the cost-effectiveness of the FTS2000 network.

(2) Consistent with Public Law 101-136, this proposed rule provides that the use of FTS2000 intercity voice, data, and video services will be mandatory when such product or service is made available on the FTS2000 network. Specific information concerning the scope and availability of FTS2000 network services will be provided in FIRM Bulletin 60. This policy will apply to all Federal agencies unless excepted by GSA. Agencies may appeal a GSA denial of a request for an exception to OMB under the procedures in 40 U.S.C. 759(e) and § 201-1.102-2(c).

(3) Agencies will not need to seek exceptions to the use of the FTS2000

network for requirements that were previously authorized and awarded under prior FIRM provisions until the end of the current contract life for those requirements. However, agencies will have to use available FTS2000 network services upon completion of such contracts. Before exercising renewal options for Federal contracts, agencies will have to consider using FTS2000 services that are available at that time and should follow FAR 17.207 regarding exercising options. Planning for transition to the FTS2000 network will have to be accomplished prior to agency contract completion.

(4) This regulation will continue the removal of regulatory exclusions for certain agencies in FIRM part 201-1.103(c) which were withdrawn by FIRM Interim Rule 1. This regulation will also supersede FIRM Interim Rule 1 and cancel the remaining provisions of Interim Rule 1.

(5) In part 201-41, Routine changes and use of the Federal Telecommunications System (FTS), § 201-41.005 will be revised by inserting the new section caption and text consistent with the mandatory FTS2000 network provisions contained in section 621 of Public Law 101-136.

(6) Depending upon regulatory preparation and issuance constraints, the final rule of this proposed rule may be codified in FIRM part 201-24 under the FIRM Improvement Project without an additional NPR being published.

(7) Because of the widespread interest in FTS2000 in the vendor community, GSA will hold a public forum on this proposed rule. This forum is intended primarily as a vehicle for GSA to better understand industry concerns regarding the impact of the rule. GSA will listen to all comments made at the forum and review written comments received both at the forum and in response to this NPR before making a determination on the content of the final FTS2000 rule. The FTS2000 forum will be held on Friday, February 9, 1990, from 9:00 a.m. to 11:00 a.m. in the GSA auditorium at 18th and F Streets, NW., Washington, DC. The Commissioner of GSA's Information Resources Management Service, will chair the forum. Due to the large number of attendees expected, the amount of time individuals have for verbal comments will necessarily be limited.

(8) GSA has determined that this proposed rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. GSA decisions are based on adequate information concerning the need for, and the consequences of, the rule. This rule is written to ensure maximum benefits to

Federal agencies. This Governmentwide management regulation will have little or no net cost effect on society. This rule is not expected to have a significant economic impact upon a substantial number of small entities under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601, et seq.).

List of Subjects in 41 CFR Parts 201-1 and 201-41

Federal Telecommunications System, Government procurement, Government property management, Information resources activities, and Telecommunications.

Dated: December 15, 1989.

Francis A. McDonough,

Deputy Commissioner for Federal Information Resources Management.

[FR Doc. 89-30041 Filed 12-27-89; 8:45 am]

BILLING CODE 6820-25-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6975

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed base flood elevation modifications listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: John L. Matticks, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood

elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance of existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prohibit development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E. O. 12127.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
CALIFORNIA	
Calaveras County (unincorporated areas)	
<i>Cosgrove Creek:</i>	
Approximately 1,300 feet downstream of Vista Del Lago Road.....	*590
Just upstream of Vista Del Lago Road.....	*594
Just downstream of Gold Creek Bridge and approximately 200 feet east of the Gold Creek levee.....	*613
At the confluence of Spring Valley Creek.....	*623
Approximately 1,250 feet upstream of New Hogan Dam Road.....	*632
<i>San Antonio Creek Tributary:</i>	
Just upstream of Cedar Lane.....	*3,829
Approximately 1,280 feet upstream of Cedar Lane.....	*3,843
Approximately 2,560 feet upstream of Cedar Lane.....	*3,872
Approximately 2,100 feet downstream of Pine Drive.....	*3,900
Just upstream of Pine Drive.....	*3,933
Maps are available for review at the Calaveras County Government Center, Building Inspector's Office, 891 Mountain-Ranch Road, San Andreas, California.	
Send comments to The Honorable Tom Troyan, Chairman, Calaveras County Board of Supervisors, County Government Center, 891 Mountain-Ranch Road, San Andreas, California 95249.	
Mariposa County (unincorporated areas)	
<i>Mariposa Creek:</i>	
Approximately 100 feet upstream of Mormon Bar Road.....	*1754
Approximately 500 feet upstream of Highway 140.....	*1904
Approximately 50 feet upstream of 17th Street.....	*1987
Approximately 1,125 feet downstream of Highway 49.....	*2078
Approximately 300 feet upstream of Highway 49.....	*2128
<i>Merced River:</i>	
Approximately 200 feet upstream of Foresta Road.....	*1682
Approximately 700 feet upstream of Pigeon Gulch confluence with Merced River.....	*1731
Approximately 200 feet upstream of Highway 140.....	*1840
Approximately 100 feet downstream of Crane Creek confluence with Merced River.....	*1977
Approximately 200 feet upstream of Section Line 15/16 in Township 3 South and Range 20 East.....	*2136
<i>Merced River Left Overbank:</i>	
Approximately 200 feet upstream of confluence with Merced River.....	*1785
Approximately 650 feet upstream of confluence with Merced River.....	*1791
Approximately 550 feet downstream of Highway 140.....	*1822
<i>South Fork Merced River:</i>	
Approximately 23.6 miles above river mouth.....	*4015
Approximately 23.89 miles above river mouth.....	*4034
Approximately 24.23 miles above river mouth.....	*4060
Approximately 24.66 miles above river mouth.....	*4094
Approximately 24.92 miles above river mouth.....	*4121
Maps are available for review at the Department of Public Works, 4639 Ben Hur Road, Mariposa, California.	
Send comments to The Honorable Gertrude Taber, Chairperson, Mariposa County Board of Supervisors, P.O. Box 784, Mariposa, California 95338.	
Tuolumne County (unincorporated areas)	
<i>Sullivan Creek:</i>	
Approximately 50 feet downstream of State Highway 108.....	*1,983
Just upstream of Potato Ranch Road.....	*2,405
At Paseo de Los Portales Road.....	*2,413
At Hidden Valley Road.....	*2,617
Approximately 250 feet upstream of Crestview Drive.....	*2,658

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)		
Maps are available for review at the Tuolumne County Planning Department, 25 Green Street, Sonoma, California.							
Send comments to The Honorable Greg Hurt, Chairman, Tuolumne County Board of Supervisors, 25 Green Street, Sonoma, California 95370.							
City of Twentynine Palms (San Bernardino County)							
Twentynine Palms Channel:							
Approximately 100 feet upstream of Bullion Mountain Road	*1,727	Ellijay River:		Send comments to The Honorable John Henry Anderson, County Commissioner, Pulaski County, P.O. Box 29, Hawkinsville, Georgia 31036.			
Approximately 100 feet downstream of Amboy Road	*1,805	At mouth	*1,253	IDAHO			
Approximately 80 feet upstream of Joe Davis Drive	*1,878	About 1,700 feet upstream of Old Blue Ridge Road	*1,264	Bancroft (city), Caribou County			
Approximately 70 feet upstream of Adobe Road	*1,983	Cartecay River:		Portneuf River:			
Approximately 70 feet upstream of Twentynine Palms Highway	*2,121	At mouth	*1,253	At the intersection of Center Street and Third Avenue West	*5,419		
Pinto Cove Creek:							
Approximately 1,000 feet downstream of Joe Davis Road	*1,890	About 700 feet downstream of First Avenue	*1,257	Maps are available for review at City Hall, 23 South Main Street, Bancroft, Idaho.			
Approximately 80 feet upstream of Joe Davis Road	*1,900	Maps available for inspection at the City Hall, 105 North Main Street, Ellijay, Georgia.					
Approximately 840 feet downstream of Twentynine Palms Highway	*1,930	Send comments to The Honorable E. Lloyd Smith, Mayor, City of Ellijay, 105 North Main Street, Ellijay, Georgia 30540.		Send comments to The Honorable Randy Ruger, Mayor, City of Bancroft, City Hall, P.O. Box 39, Bancroft, Idaho 83217.			
Approximately 125 feet upstream of Twentynine Palms Highway	*1,946	Gilmer County (unincorporated areas)					
Approximately 1,140 feet upstream of Twentynine Palms Highway	*1,961	Ellijay River:					
Pine Springs Wash:							
At confluence with Twentynine Palms Channel	*1,899	About 1700 feet upstream of Old Blue Ridge Road	*1,264	Valley County (unincorporated areas)			
Approximately 100 feet downstream of Twentynine Palms Highway	*1,926	About 1300 feet upstream of confluence of Ross Creek	*1,313	North Fork Payette River:			
Approximately 110 feet upstream of Pinon Drive	*1,937	Cartecay River:		Approximately 16,350 feet downstream of State Highway 55 Bridge	*4,725		
Approximately 500 feet downstream of Palm Vista Drive	*1,951	About 850 feet upstream of State Route 5	*1,265	Approximately 3,500 feet downstream of State Highway 55 Bridge	*4,729		
Approximately 280 feet upstream of Palm Vista Drive	*1,960	About 1.52 miles upstream of confluence of Owl Creek	*1,297	Approximately 4,600 feet upstream of State Highway 55 Bridge	*4,732		
Joshua Mountain Wash:							
Approximately 160 feet upstream of Palm Vista Drive	*1,965	Coosawattee River:		Approximately 10,400 feet upstream of State Highway 55 Bridge	*4,736		
Approximately 1,300 feet upstream of Palm Vista Drive	*1,990	About 1000 feet downstream of State Route 5 Alternate	*1,241	Approximately 10,150 feet downstream of confluence with Williams Creek	*4,901		
Approximately 340 feet downstream of Foothill Road	*2,020	About 2800 feet downstream of U.S. Route 78	*1,246	Approximately 200 feet downstream of confluence with Williams Creek	*4,918		
Approximately 25 feet downstream of Base Line Road	*2,050	Maps available for inspection at the County Courthouse, 1 Westside Square, Ellijay, Georgia.					
Approximately 930 feet upstream of Base Line Road	*2,072	Send comments to The Honorable Mack Logan, Chairman, Board of Commissioners, Gilmer County, 1 Westside Square, Ellijay, Georgia 30540.		Approximately 5,450 feet upstream of Unnamed Bridge that is 3,050 feet upstream of confluence with Williams Creek	*4,937		
Smoketree Wash:							
Approximately 135 feet downstream of Twentynine Palms Highway	*2,055	Hawkinsville (city), Pulaski County					
Approximately 1,010 feet upstream of Twentynine Palms Highway	*2,072	Mile Creek:		Maps are available for review at the County Building Official's Office, Courthouse Annex, 108 West Spring Street, Cascade, Idaho.			
Approximately 660 feet downstream of National Old Trails Highway	*2,096	At mouth	*225	Send comments to The Honorable Howard Koskella, Chairman, Valley County Board of Commissioners, P.O. Box 737, Cascade, Idaho 83611.			
Approximately 2,690 feet upstream of National Old Trails Highway	*2,155	Just downstream of Camelia Drive	*250	INDIANA			
Approximately 25 feet downstream of the corporate limits	*2,202	Town Creek:		Allen County (unincorporated areas)			
Maps are available for review at City Hall, 6136 Adobe Road, Twentynine Palms, California.							
Send comments to The Honorable Jeffrey Dunn, Mayor, City of Twentynine Palms, City Hall, 6136 Adobe Road, Twentynine Palms, California 92277.							
GEORGIA							
East Ellijay (city), Gilmer County							
Cartecay River:							
About 950 feet downstream of First Avenue	*1,257	Ocmulgee River:		Willow Creek:			
About 850 feet upstream of State Route 5	*1,265	At mouth	*225	At mouth	*810		
Maps available for inspection at the City Hall, 200 Oak Street, East Ellijay, Georgia.							
Send comments to The Honorable Mack West, Mayor, City of East Ellijay, City Hall, 200 Oak Street, East Ellijay, Georgia 30539.							
Ellijay (city), Gilmer county							
Coosawattee River:							
About 1,000 feet downstream of State Route 5	*1,241	About 2.8 miles downstream of State Route 286	*706	At confluence of Hatch Ditch	*825		
Alternate	*1,253	Just downstream of State Route 286	*728	At mouth	*825		
At confluence of Cartecay River		Just upstream of State Route 286	*733	About 600 feet upstream of Shoaff Road	*835		
		Just downstream of Crandall-Ellijay Road	*796	Willow Creek Branch No. 8:			
		Holly Creek:		At mouth	*819		
		Just upstream of U.S. Route 411	*711	Just downstream of North County Line Road	*845		
		Just downstream of State Route 286	*762	Willow Creek Branch No. 7:			
		Maps available for inspection at the County Commissioner's Office, County Courthouse, Chatsworth, Georgia.					
		Send comments to The Honorable Jack Reed, Commissioner, Murray County, P.O. Box 1129, Chatsworth, Georgia 30705.					
		Pulaski County (unincorporated areas)					
		Mile Creek:					
		At mouth					
		About 900 feet downstream of McCormick Avenue					
		Town Creek:					
		At mouth					
		Just upstream of U.S. Route 341 Bypass					
		Ocmulgee River:					
		At confluence of Mile Creek					
		About 0.70 mile upstream of Norfolk Southern Railway					
		Maps available for inspection at the County Courthouse, Hawkinsville, Georgia.					

Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)
Babay Ditch:		Reichelderfer Ditch:		Natural Drain No. 7 Unnamed Tributary:	
At mouth.....	*834	At mouth.....	*749	At mouth.....	*773
About 0.8 mile upstream of Fritz Road.....	*840	About 1,600 feet upstream of Hamm Road.....	*764	Just upstream of Dickie Road.....	*811
Spy Run Creek:		Fairfield Ditch:		Junk Ditch: Within community.....	*756
Just upstream of Washington Center Road.....	*803	About 400 feet downstream of Lower Hunting- ton Road.....	*767	St. Marys Flowage: Within community.....	*756
Just upstream of Graham Drive.....	*826	Just downstream of Lower Huntington Road.....	*769	Doctor Ditch:	
Brown No. 2:		Harber Ditch:		At mouth.....	*767
At mouth.....	*814	At mouth.....	*769	About 300 feet downstream of Paulding Road.....	*778
About 1,600 feet upstream of Chalfant Road.....	*842	Just downstream of Western Railway.....	*795	Doctor Ditch Tributary:	
About 1,800 feet upstream of Chalfant Road.....	*848	Just upstream of Norfolk and Western Railway.....	*801	At mouth.....	*772
Just upstream of Huguenard Road.....	*861	Just upstream of Yoder Road.....	*811	Just downstream of Adams Center Road.....	*788
Waters Ditch:		Dennis Ditch:		Lawrence Branch:	
At mouth.....	*787	At mouth.....	*785	At mouth.....	*776
Just downstream of Coldwater Road.....	*801	Just downstream of Doyle Road.....	*794	Just downstream of Covington Road.....	*783
Beckelits Run:		Dannenfelser-Cochoit Ditch:		Lowther-Neuhaus Ditch:	
Just upstream of Leo Road.....	*771	About 1,500 feet downstream of Selma Drive.....	*781	Just upstream of Conrail.....	*783
At confluence of Huguenard No. 2.....	*827	Just downstream of Doyle Road.....	*786	Just downstream of State Boulevard.....	*787
Hetrick Ditch:		Bender Ditch:		Drain No. 6:	
At mouth.....	*744	At mouth.....	*759	At mouth.....	*787
About 0.27 mile upstream of State Route 101.....	*753	Just downstream of Tillman Road.....	*796	Just upstream of Butler Road.....	*797
Swift Ditch:		Deptner Ditch:		Bullerman Ditch:	
Just downstream of Leo Road.....	*778	At mouth.....	*795	At mouth.....	*749
Just downstream of Interstate 69.....	*788	Just downstream of County Line Road.....	*809	About 1,600 feet upstream of Putt Lane.....	*793
Schoppman Ditch:		Snyder Ditch:		Bullerman Branch:	
About 900 feet upstream of St. Joe Road.....	*765	At mouth.....	*769	At mouth.....	*777
About 1,000 feet upstream of Brookwood Drive.....	*782	Just downstream of Connors Road.....	*801	About 0.34 miles upstream of Steilhorn Road.....	*781
Salagy Ditch:		Trier Ditch:		Bender Ditch:	
At mouth.....	*769	At mouth.....	*750	Just upstream of Sellar Road.....	*771
Just downstream of Salge Drive.....	*787	Just downstream of Paulding Road.....	*769	Just downstream of Tillman Road.....	*796
Davis Ditch No. 2:		Paul Trier Ditch: Within community.....	771	Adams Ditch:	
At mouth.....	*782	St. Marys River:		At mouth.....	*774
About 550 feet upstream of Maplecrest Road.....	*795	Just upstream of Lower Huntington Road.....	*766	About 1,600 feet upstream of Tillman Road.....	*803
Kruckenbug Ditch:		About 4,000 feet downstream of South County Line Road.....	*776	Schmidt Ditch:	
At mouth.....	*787	Houk Ditch:		At mouth.....	*771
About 1,370 feet upstream of St. Joseph Center Road.....	*792	Just upstream of Flatrock Road.....	*818	Just downstream of Tillman Road.....	*794
Tiemon Ditch:		Just downstream of Emehiser Road.....	*831	Schneider Ditch:	
At mouth.....	*772	Trier Branch:		At mouth.....	*785
About 0.7 mile upstream of Schwartz Road.....	*814	At mouth.....	*782	About 2,500 feet upstream of Tillman Road.....	*802
Roy Delagrang Ditch:		About 0.32 miles upstream of Laymeyer Road.....	*788	Eightmile Creek:	
At mouth.....	*811	Suter Ditch:		Just downstream of Hamilton Road.....	*764
Just downstream of Auburn Road.....	*826	At mouth.....	*780	About 800 feet upstream of Interstate 69.....	*772
Ely Run:		Just upstream of Coverdale Road.....	*791	Witzgall Ditch:	
At mouth.....	*775	Robinson Creek:		Just upstream of County Line Road.....	*786
Just downstream of U.S. Route 27.....	*819	At mouth.....	*756	Just downstream of Yoder Road.....	*802
Beightlie-Nettelhorst Ditch:		At confluence of Brindle Ditch.....	*791	Johnson Ditch:	
At mouth.....	*780	Brindle Ditch:		At mouth.....	*798
Just downstream of Viberg Road.....	*817	At mouth.....	*791	Just downstream of Temple Timbers Road.....	*800
Smith Northrup Drain:		Just downstream of Pleasant Center Road.....	*798	Brown Ditch:	
At mouth.....	*777	Woods Ditch:		At mouth.....	*793
About 1,300 feet upstream of Meteah Trail.....	*796	At mouth.....	*791	Just downstream of Whittern Road.....	*796
Revert Ditch:		About 2,200 feet downstream of Yoder Road.....	*811	Flatrock Creek:	
At mouth.....	*790	Abottle Creek:		Just downstream of Hoffman Road.....	*777
Just downstream of Wheelock Road.....	*800	About 350 feet downstream of Powell Road.....	*758	Just downstream of Lorie Road.....	*784
Mowrer Ditch:		At confluence of Beal Taylor Ditch.....	*796	Adam Schelmer Baker Drain:	
At mouth.....	*772	Beal Taylor Ditch:		Just downstream of Flatrock Road.....	*786
About 700 feet upstream of Center Road.....	*782	At mouth.....	*798	Just downstream of Hoagland Road.....	*797
Grice Ditch:		Just downstream of West County Line Road.....	*836	Maxheimer Creek:	
At mouth.....	*777	Bichacoff Ditch:		At mouth.....	*788
About 1,800 feet upstream of Schwartz Road.....	*799	At mouth.....	*767	About 500 feet downstream of Hoagland Road.....	*800
Sumile Creek:		Just downstream of County Line Road.....	*788	Huguenard No. 2:	
At mouth.....	*748	Big Indian Creek:		At confluence with Boketts Run.....	*827
At confluence of Koester Ditch.....	*757	At mouth.....	*780	Just upstream of Till Road.....	*831
Koester Ditch:		Just downstream of County Line Road.....	*804	Bradbury Ditch:	
At mouth.....	*757	Martin Ditch at St. Joseph's River:		At mouth.....	*776
At confluence of Langley Ditch.....	*772	At mouth.....	*771	About .1 mile downstream of Norfolk Western Railway.....	*778
Langley Ditch:		About 500 feet upstream of Leo Road.....	*788	Just upstream of Norfolk Western Railway.....	*788
At mouth.....	*772	Natural Drain No. 2:		About 2 mile upstream of 13th Street.....	*788
At confluence of Grice Ditch.....	*777	At mouth.....	*805	Edgerton-Carson Ditch:	
Maumee River:		Just downstream of Washington Center Road.....	*808	At mouth.....	*743
About 1.0 mile downstream of Scipio Road.....	*724	Little River:		Just downstream of State Route 101.....	*747
Just downstream of U.S. Route 30.....	*754	At County Boundary.....	*755	Maps available for inspection at the Surveyor's Office, City/County Building, Ft. Wayne, Indiana. Send comments to The Honorable Donald Yoder, President, County Commission, Allen County, City/County Building, Room 200, Ft. Wayne, Indiana 46802.	
Marsh Ditch:		At confluence with Robinson Creek.....	*756	Grabil (town), Allen County	
At mouth.....	*728	Durnell Ditch:		Witmer Ditch: Within community.....	812
Just upstream of confluence of Hetrick Ditch.....	*744	At mouth.....	*767	Maps available for inspection at the Town Hall, First Street, Grabil, Indiana. Send comments to The Honorable Joan Sauder, Town Board President, Town of Grabil, Box 233, First Street, Grabil, Indiana 46741.	
Hailley Ditch:		Just upstream of Hadley Road.....	*830		
At mouth.....	*806	Graham McCulloch Ditch:			
Just upstream of Norfolk Southern Railway.....	*813	At mouth.....	*755		
Whitmer Ditch:		Just downstream of old railroad grade.....	*756		
At mouth.....	*781	Just upstream of old railroad grade.....	*762		
Just downstream of Main Street.....	*806	At confluence with Flaugh Ditch.....	*767		
Just upstream of Main Street.....	*812	Flaugh Ditch:			
About 850 feet upstream of Main Street.....	*812	At mouth.....	*767		
Unnamed Tributary No. 4:		About 750 feet upstream of Kroemer Road.....	*822		
At mouth.....	*797	Graham McCulloch Natural Drain No. 7:			
Just downstream of Grabil Road.....	*813	At mouth.....	*764		
Black Creek:		About 1,300 feet upstream of Dickie Road.....	*797		
At confluence of Reichelderfer Ditch.....	*749				
Just upstream of Antwerp Road.....	*780				

Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)
Monroeville (town), Allen County		Maps available for inspection at the Office of the Zoning Administrator, County Courthouse, Baudette, Minnesota.		Shallow Flooding (Upper Maple Slough Ditch):	
Flatrock Creek:				Within community.....	*301
About 100 feet upstream of Monroeville Road.....	*780			Shallow Flooding (Main Ditch No. 10):	
Just upstream of confluence of Adam Schlemmer Baker Drain.....	*781	Send comments to The Honorable Stan Cornelius, Chairman, County Board, Lake of the Woods County, County Courthouse, Baudette, Minnesota 56623.		At mouth.....	*301
Adam Schlemmer Baker Drain:				At county boundary.....	*302
At mouth.....	*781			Shallow Flooding (Ash Slough Ditch (Lateral No. 21):	
Just downstream of Flatrock Road.....	*786			At mouth.....	*301
				At county boundary.....	*303
Maps available for inspection at the Clerk Treasurer's Office, 202 Summit, Monroeville, Indiana.		MISSOURI		Shallow Flooding (Portage Bayou (Main Ditch)):	
Send comments to The Honorable Don Gerardot, Town Board President, Town of Monroeville, Box 401, Monroeville, Indiana 46773.		Bollinger County (unincorporated areas)		About 0.8 mile downstream of Interstate 55.....	*277
		Castor River:		Just downstream of Interstate 55.....	*278
		About 1.7 miles downstream of State Highway 51.....	*376	Shallow Flooding (Portage Open Bay):	
		About 0.6 mile upstream of State Highway 51.....	*383	About 1.6 miles downstream of Interstate 55.....	*277
		Crooked Creek:		About 1.2 miles upstream of Interstate 55.....	*278
		About 0.5 mile downstream of confluence of Hurricane Creek.....	*409	Shallow Flooding (Little River):	
		Just downstream of State Highway 804.....	*458	Within community.....	#2
Woodburn (city), Allen County		Maps available for inspection at the County Courthouse, Marble Hill, Missouri.		Shallow Flooding (Otter Slough Ditch):	
Edgerton-Carson Ditch:		Send comments to The Honorable Charles Hawn, Presiding Commissioner, Bollinger County, County Courthouse, Marble Hill, Missouri 63764.		Within community.....	#2
Just upstream of Tile Mill Road.....	*743			Shallow Flooding (Ash Slough Ditch):	
About 1,300 feet upstream of Tile Mill Road.....	*746			About 1.7 miles downstream of County Highway 828.....	#2
Hetrick Ditch:				At mouth.....	#2
Just upstream of Woodburn Road.....	*751			Shallow Flooding (Portage Open Bay):	
Just upstream of State Route 101.....	*753			Within community.....	#2
Maps available for inspection at the Public Works Department, 4417 Bull Rapids Road, Woodburn, Indiana.		Glen Allen (village), Bollinger County		Shallow Flooding (Ditch No. 5):	
Send comments to The Honorable Herbert H. Roemer, Mayor, City of Woodburn, P.O. Box 75, Woodburn, Indiana 46797.		Crooked Creek:		Within community.....	#2
		About 900 feet upstream of confluence of Little Crooked Creek.....	*450	Shallow Flooding (Portage Bayou (Main Ditch)):	
		About 2,400 feet downstream of State Highway 804.....	*452	Just upstream of Interstate 55.....	#2
		Maps available for inspection at the City Hall, Glen Allen, Missouri.		About 1.8 miles upstream of County Highway M.....	#2
		Send comments to The Honorable Allen Clarke, Mayor, Village of Glen Allen, City Hall, P.O. Box 124, Glen Allen, Missouri 63751.		Maps available for inspection at the County Courthouse, New Madrid, Missouri.	
IOWA		Marble Hill (city), Bollinger County		Send comments to The Honorable Jan Blankenship, Presiding Commissioner, New Madrid County, County Courthouse, P.O. Box 68, New Madrid, Missouri 63869.	
Correctionville (city), Woodbury County		Crooked Creek:		NEVADA	
Bacon Creek:		Just upstream of confluence of Opossum Creek.....		Mesquite (city), Clark County	
At mouth.....	*1,122	About 1.71 miles upstream of Main Street.....		Pulsipher Wash:	
About 1,500 feet upstream of Driftwood Street.....	*1,124	Maps available for inspection at the City Hall, Marble Hill, Missouri.		Approximately 500 feet upstream of confluence with Virgin River.....	
Little Sioux River:		Send comments to The Honorable Shirley Illers Cooper, Mayor, City of Marble Hill, P.O. Box 6, Marble Hill, Missouri 63764.		Approximately 350 feet upstream of southbound Interstate 15.....	
Just upstream of confluence of Bacon Creek.....	*1,122			Approximately 500 feet south of Second Street South and approximately 200 feet east of Pulsipher Wash.....	
Just downstream of U.S. Highway 20.....	*1,124			#1	
Maps available for inspection at the City Hall, 312 Driftwood, Correctionville, Iowa.		New Madrid County (unincorporated areas)		Abbott Wash:	
Send comments to The Honorable Jim Hinkhouse, Mayor, City of Correctionville, City Hall, 312 Driftwood, Correctionville, Iowa 51018.		Shallow flooding (St. John's Bayou (Main Ditch)):		Approximately 400 feet upstream of the confluence with the Virgin River.....	
		At intersection of New Madrid Frontline and Birds Point—New Madrid set back levee.....		At Mesquite Boulevard.....	
		At county boundary.....		Approximately 1,600 feet upstream of Interstate 15.....	
KANSAS		Shallow flooding (Birds Point—New Madrid Set Back Levee Ditch):		Southeast of the intersection of Mesquite Boulevard and unnamed road, approximately 1,100 feet west of First Street South.....	
Allen County (unincorporated areas)		Within community.....		Approximately 400 feet east of the intersection of Second Street South and Riverside Drive.....	
Elm Creek:		Shallow flooding (North Cut Ditch):		#1	
At confluence with Neosho River.....	*952	At mouth.....		Town Wash:	
About 2.0 miles upstream of State Highway 269.....	*980	At county boundary.....		Approximately 1,300 feet upstream of First Street South.....	
Rock Creek:		Shallow flooding (Ditch No. 1):		At irrigation conduit.....	
At confluence with Elm Creek.....	*955	About 1.0 miles downstream of U.S. Highway 62.....		Approximately 1,750 feet upstream of southbound lane of Interstate 15 and entrance ramp.....	
About 4,000 feet upstream of U.S. Highway 54.....	*966	About 3.1 miles upstream of St. Louis Southwestern Railway.....		Approximately 300 feet south of the intersection of Mesquite Boulevard and Desert Road.....	
Neosho River:		Shallow flooding (Dry Run Ditch):		Approximately 800 feet west along Mesquite Boulevard from its crossing of Town Wash.....	
About 3,600 feet downstream of Bridge Street.....	*934	At New Madrid Frontline Levee.....		#1	
About 2.0 miles upstream of Missouri Pacific Railroad.....	*958	About 0.7 mile upstream of County Highway P.....		#1	
Coon Creek:		Shallow flooding (Main Ditch No. 1):		Maps are available for review at City Hall, 11 East Mesquite Boulevard, Mesquite, Nevada.	
At confluence with Neosho River.....	*954	About 1.7 miles downstream of County Highway 828.....		Send comments to The Honorable Jimmie Hughes, Mayor, City of Mesquite, P.O. Box 69, Mesquite, Nevada 89024.	
Just upstream of Kentucky Street.....	*989	At county boundary.....			
Tributary to Coal Creek:		Shallow flooding (Ash Slough Ditch):			
Just downstream of Wolf Creek.....	*939	About 1.7 miles downstream of County Highway 828.....			
Just downstream of Atchinson, Topeka and Santa Fe Railway.....	*949	At county boundary.....			
Just upstream of Atchinson, Topeka and Santa Fe Railway.....	*957	Mississippi River:			
About 850 feet upstream of Central Street.....	*961	At west county boundary.....			
Cannon Creek:		At south county boundary.....			
Just upstream of North 9th Street.....	*957	Birds Point—New Madrid Floodway:			
Just upstream of North 10th Street.....	*959	At intersection of New Madrid Frontline Levee and Birds Point—New Madrid Set Back levee.....			
Maps available for inspection at the County Courthouse, 1 North Washington, Iola, Kansas.		At county boundary.....			
Send comments to The Honorable Keith Hobart, Chairman, Board of Commissioners, Allen County, County Courthouse, 1 North Washington, Iola, Kansas 66749.		Shallow Flooding (Lower Main ditch No. 10):			
		Within community.....			
		Shallow Flooding (Lower Maple Slough Ditch):			
		Within community.....			
MINNESOTA					
Lake of the Woods County (unincorporated areas)					
Lake of the Woods:					
Along shoreline, within county.....	*1064				

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Send comments to The Honorable Juanita Bullington, Manager of Luna County P.O. Drawer 551, Deming, New Mexico 88031.					
NORTH CAROLINA					
Granville County (unincorporated areas)					
Tabbs Creek:		Marlowes Creek:		Send comments to The Honorable Duane Woelagle, Chairman of the Township of Burlington Board of Supervisors, Bradford County, R.D. 1, Box 199B, Monroeton, Pennsylvania 18832.	
At county boundary.....	*286	At mouth.....	*368	Davidson (township), Sullivan County	
About 500 feet upstream of Tom Parham Road.....	*420	About 1,100 feet upstream of Depot Street.....	*618	Muncy Creek:	
Tar River:		Flat River:		At downstream corporate limits.....	*787
At county boundary.....	*234	About 2,000 feet downstream of SR 1737.....	*432	Approximately 3,270 feet upstream of T-309 (Peck Road).....	*990
About 1,000 feet upstream of Old Route 75.....	*380	At confluence of North Flat River.....	*485	Maps available for inspection at the Township Building, Muncy Valley, Pennsylvania.	
Jackson Creek:		North Flat River:		Send comments to The Honorable David R. Bobb, Chairman of the Township of Davidson Board of Supervisors, Sullivan County, R.D. 1, Muncy Valley, Pennsylvania 17758.	
At mouth.....	*361	At mouth.....	*485	Deimar (township), Tioga County	
About 2,400 feet upstream of Old Route 75.....	*431	About 800 feet upstream of SR 1142.....	*605	Marsh Creek:	
Ledge Creek:		South Flat River:		Approximately 1,550 feet downstream of Township Route 483.....	*1,206
About 0.82 mile upstream of Lake Rogers Dam.....	*289	At confluence of North Flat River.....	*485	At upstream corporate limits.....	*1,245
Just downstream of Interstate 85.....	*310	About 1,600 feet upstream of SR 1109.....	*623	East Branch Story Fork:	
Just upstream of Interstate 85.....	*316	Hycro Lake: Along shoreline.....	*414	Approximately 80 feet downstream of State Route 3005.....	*1,329
About 1400 feet upstream of Old Route 75.....	*412	Mayo Reservoir: Along shoreline.....	*445	Approximately 1,450 feet upstream of State Route 3008.....	*1,422
Knapp of Reeds Creek:		Maps available for inspection at the County Manager's Office, Courthouse Square, Roxboro, North Carolina.			
About 6.0 miles downstream of SR 1120.....	*263	Send comments to The Honorable Patricia Hartigan, County Manager, Person County, Courthouse Square, Roxboro, North Carolina 27573.			
Just downstream of Roberts Chapel Dam.....	*302	Roxboro (city), Person County			
Syble Creek:		Marlowes Creek:			
About 2,100 feet downstream of Northside Road.....	*268	About 1.0 mile downstream of U.S. Route 501.....			
Just downstream of Cash Road.....	*274	Just downstream of U.S. Route 501.....			
Just upstream of Cash Road.....	*282	Just upstream of Norfolk Southern Railway.....			
About 1,350 feet upstream of U.S. Route 15.....	*289	Just downstream of Burch Street.....			
Lake Butler:		Just upstream of Burch Street.....			
Just upstream of R.D. Holt Reservoir Dam.....	*360	About 1,100 feet upstream of Depot Street.....			
Just downstream of Roberts Chapel Road.....	*360	Maps available for inspection at the City Hall, Roxboro, North Carolina.			
Falls Lake: Along shoreline.....	*263	Send comments to The Honorable Clarence Burch, City Manager, City of Roxboro, City Hall, P.O. Box 128, Roxboro, North Carolina 27573.			
Coart Creek:		Stem (town), Granville County			
About 2.46 miles downstream of Gate No. 2 Road.....	*272	Ledge Creek:			
About 900 feet upstream of Gate No. 2 Road.....	*354	About 1,100 feet upstream of Old Route 75.....			
Now Light Creek Tributary:		About 2,600 feet upstream of Old Route 75.....			
About 2,500 feet upstream of SR 1912.....	*324	Maps available for inspection at the County Planning Office, County Administration Building, 141 Williamsboro Street, Oxford, North Carolina.			
About 4,000 feet upstream of SR 1912.....	*346	Send comments to The Honorable Sydney Ingold, Acting Mayor, Town of Stem, P.O. Box 88, Stem, North Carolina 27581.			
Fishing Creek:		PENNSYLVANIA			
At mouth.....	*297	Beech Creek (township), Clinton County			
Just upstream of confluence of Fishing Creek Tributary 1.....	*376	Beech Creek:			
Fishing Creek Tributary 1:		At downstream corporate limits.....			
At mouth.....	*375	Approximately 1.7 miles upstream of State Route 364.....			
About 2,000 feet upstream of mouth.....	*381	Maps available for inspection at the Beech Creek Township Building, Beech Creek, Pennsylvania.			
Hachens Run:		Send comments to The Honorable Gary Packer, Chairman of the Township of Beech Creek Board of Supervisors, Clinton County, R.D. 1, Box 386, Beech Creek, Pennsylvania 16822.			
At mouth.....	*356	Burlington (borough), Bradford County			
About 1,400 feet upstream of U.S. Route 15.....	*414	Sugar Creek:			
Maps available for inspection at the County Planning Office, County Administration Building, 141 Williamsboro Street, Oxford, North Carolina.		At downstream corporate limits.....			
Send comments to The Honorable Harold Blizard, County Manager, Granville County, P.O. Box 906, Oxford, North Carolina 27585.		At upstream corporate limits.....			
Oxford (city), Granville County		Maps available for inspection at the Borough Building, Burlington, Pennsylvania.			
Fishing Creek Tributary 1:		Send comments to The Honorable Donald Spears, President of the Burlington Borough Council, Bradford County, P.O. Box 14, Burlington, Pennsylvania 18814.			
About 2,000 feet upstream of mouth.....	*381	Burlington (township), Bradford County			
Just upstream of U.S. Route 15.....	*436	Sugar Creek:			
Fishing Creek Tributary 1A:		At downstream corporate limits.....			
At mouth.....	*413	At upstream corporate limits.....			
Just downstream of U.S. Route 15.....	*435	Maps available for inspection at the Borough Building, Picture Rocks, Pennsylvania.			
Just upstream of U.S. Route 15.....	*440	Send comments to The Honorable Kenneth M. Stackhouse, Chairman of the Township of Penn, Board of Supervisors, Lycoming County, R.D. 2, Box 260, Hughesville, Pennsylvania 17737.			
Hachens Run:		Picture Rocks (borough), Lycoming County			
About 1,100 feet upstream of U.S. Route 15.....	*413	Muncy Creek:			
Just upstream of Lake Devin Road.....	*491	At downstream corporate limits.....			
Coon Creek:		Approximately 280 feet upstream of upstream corporate limits.....			
About 500 feet downstream of Orphanage Road.....	*364	Maps available for inspection at the Township Building, Hughesville, Pennsylvania.			
About 500 feet upstream of confluence of Jordan Creek.....	*384	Send comments to The Honorable Richard W. Sprout, President of the Picture Rocks Borough Council, Lycoming County, Center Street, Picture Rocks, Pennsylvania 17762.			
Jordan Creek:		Laurel Run:			
At mouth.....	*384	At confluence with Muncy Creek.....			
Just downstream of Oxford Bypass.....	*436	At upstream corporate limits.....			
Just upstream of Oxford Bypass.....	*442	Maps available for inspection at the Borough Hall, Picture Rocks, Pennsylvania.			
Just downstream of SR 1462.....	*443	Send comments to The Honorable Richard W. Sprout, President of the Picture Rocks Borough Council, Lycoming County, Center Street, Picture Rocks, Pennsylvania 17762.			
Just upstream of SR 1462.....	*449	Muncy Creek:			
Maps available for inspection at the Planning Department, City Hall, Oxford, North Carolina.		At downstream corporate limits.....			
Send comments to The Honorable Allie G. Ellington, Mayor, City of Oxford, City Hall, P.O. Box 1307, Oxford, North Carolina 27585.		At upstream corporate limits.....			

Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)
TEXAS					
Shade (township), Somerset County					
Dark Shade Creek:					
Approximately 500 feet downstream of S.R. 6448	*2,149	Monahans Draw:		Far East Channel:	
Approximately 120 feet upstream of confluence of Little Dark Shade Creek	*2,154	Approximately 1.2 miles downstream of Grandview Road	*2,835	Southeast corporate limits	*2,861
Little Dark Shade Creek:		Upstream side of Dixie Boulevard	*2,864	Confluence of Stream FEC-1	*2,888
Approximately 0.4 mile downstream of S.R. 160	*2,158	Upstream side of Avenue L	*2,906	Immediately upstream of West Entrance Road to U.T.P.B.	*2,908
Approximately .38 mile upstream of S.R. 160	*2,193	Upstream side of Clendenen Street	*2,936	Stream FEC-1:	
Laurel Run:		Upstream side of Knox Drive	*2,971	At confluence with Far East Channel	*2,888
At the confluence with Dark Shade Creek	*2,154	Upstream side of State Route 886	*3,042	Approximately 280 feet downstream of University Boulevard	*2,900
Approximately 1.3 miles upstream of T-798	*2,391	Monahans Draw Tributary 1:		Stream FEC-1A:	
Maps available for inspection at the Shade Township Building, Route 160, Cairbrook, Pennsylvania.					
Send comments to The Honorable Edward J. Zelenki, Supervisor of the Township of Shade, Somerset County, P.O. Box 39, Cairbrook, Pennsylvania 15924.					
South Creek (township), Bradford County					
South Creek:					
At downstream corporate limits at Pennsylvania-New York State Line	*1,084	At confluence with Monahans Draw	*2,931	Confluence with FEC-1	*2,893
At a point approximately .7 mile upstream of an abandoned Railroad Crossing	*1,243	At cypress Road	*2,964	Approximately 0.21 mile upstream of Campus Road	*2,906
Maps available for inspection at the South Creek Township Building, Gillett, Pennsylvania.					
Send comments to The Honorable Stanley Sterling, Chairman of the Township of South Creek Board of Supervisors, Bradford County, R.D. 1, Gillett, Pennsylvania 16925.					
South Phillipsburg (borough), Centre County					
Moshannon Creek:					
At downstream corporate limits	*1,429	Monahans Draw Tributary 2:		East Side Channel:	
At upstream corporate limits	*1,430	At the confluence with Monahans Draw	*2,979	Southeast corporate limits	*2,862
Maps available for inspection at the Borough Office, South Phillipsburg, Pennsylvania.					
Send comments to The Honorable Robert Gilham, President of the Borough of South Phillipsburg Council, Centre County, 119 Hemlock Street, Phillipsburg, Pennsylvania 16866.					
Troy (township), Bradford County					
Sugar Creek:					
At downstream corporate limits	*945	Approximately 0.7 mile upstream of Westciff Drive	*3,015	At confluence of East Side Channel Split Flow	*2,888
Approximately 900 feet upstream of T-532 (Bartlett Hill Road)	*1,043	Far East Channel:		At divergence from East Side Channel	*2,905
Maps available for inspection at the Township Building, East Troy, Pennsylvania.					
Send comments to The Honorable Homer R. Lyon, Chairman of the township of Troy Board of Supervisors, Bradford County, R.D. 1, box 459, Troy, Pennsylvania 16947.					
Wells (township), Bradford County					
Seeley Creek:					
At downstream corporate limits	*1,059	At the confluence with Monahans Draw	*2,979	Muskingum Draw:	
At upstream corporate limits	*1,214	At the intersection of Adams Avenue and University Boulevard	*2,911	At confluence with Monahans Draw	*2,870
Hammond Creek:		At the intersection of 52nd Street and Dixie Boulevard	*2,939	At the intersection of Adams Avenue and University Boulevard	*2,911
At confluence of Seeley Creek	*1,064	Approximately 500 feet upstream of Kentucky Avenue	*2,950	At intersection of 52nd Street and Dixie Boulevard	*2,939
At upstream corporate limits	*1,150	West Side Drainage Channel:		Approximately 300 feet upstream of Yukon Road	*2,947
Maps available for inspection at the Township Building, Gillett, Pennsylvania.					
Send comments to The Honorable Loren Roy, Chairman of the Township of Wells Board of Supervisors, Bradford County, R.D. 1, Gillett, Pennsylvania 16925.					
West Burlington (township), Bradford County					
Sugar Creek:					
At downstream corporate limits	*890	At confluence with Monahans Draw	*2,896	West Side Drainage Channel:	
At upstream corporate limits	*945	Approximately 800 feet upstream of West 18th Street	*2,913	At confluence with Monahans Draw	*2,896
Maps available for inspection at the Township Building, West Burlington, Pennsylvania.					
Send comments to The Honorable John Hulslander, Chairman of the Township of West Burlington Board of Supervisors, Bradford County, R.D. 3, Troy, Pennsylvania 16947.					
VERMONT					
Brunswick (town) Essex County					
Connecticut River:					
At downstream corporate limits	*873	Playa No. 1:	*2,990	At confluence with Monahans Draw	*2,896
At upstream corporate limits	*898	Playa No. 2:	*3,002	Approximately 800 feet upstream of W. 18th Street	*2,913
Maps available for inspection at the home of the Chairman of the Board of Selectmen, Roger Case, R.F.D. 2, Box 118, Guildhall, Vermont.					
Send comments to The Honorable Roger Case, Chairman of the Town of Brunswick Board of Selectmen, Essex County, R.F.D. 2, Box 118, Guildhall, Vermont 05905.					
Fairlee (town), Orange County					
Connecticut River:					
At Fairlee-Thetford Town line	*407	Playa No. 3:	*2,977	Playa No. 11B	*2,945
At Bradford-Fairlee Town line	*411	Playa No. 4:	*2,980	Playa No. 12	*2,942
Maps available for inspection at the Town Hall, Fairlee, Vermont.					
Send comments to The Honorable Shirley Godfrey, Chairman of the Town of Fairlee Board of Selectmen, Orange County, Town Hall, Box 93, Fairlee, Vermont 05045.					
Lemington (town), Essex County					
Connecticut River:					
At downtown corporate limits	*997	Playa No. 5:	*2,994	Playa No. 14	*2,911
At upstream corporate limits	*1,012	Playa No. 6:	*2,989	Playa No. 15	*2,905
Maps available for inspection at the residence of Charles H. Wiley, R.R. 1, Box 162, Canaan, Vermont.					
Connecticut River:					
At downtown corporate limits	*997	Playa No. 7:	*2,980	Playa No. 16	*2,905
At upstream corporate limits	*1,012	Playa No. 8:	*2,975	Playa No. 17	*2,907
Maps available for inspection at the residence of Charles H. Wiley, R.R. 1, Box 162, Canaan, Vermont.					
Connecticut River:					
At downtown corporate limits	*997	Playa No. 9:	*2,966	Playa No. 19	*2,887
At upstream corporate limits	*1,012	Playa No. 10:	*2,945	Playa No. 20	*2,894
Maps available for inspection at the residence of Charles H. Wiley, R.R. 1, Box 162, Canaan, Vermont.					
Connecticut River:					
At downtown corporate limits	*997	Playa No. 11:	*2,945	Playa No. 24	*2,913
At upstream corporate limits	*1,012	Playa No. 11B:	*2,945	Playa No. 25	*2,933
Maps available for inspection at the residence of Charles H. Wiley, R.R. 1, Box 162, Canaan, Vermont.					
Connecticut River:					
At downtown corporate limits	*997	Playa No. 12:	*2,962	Playa Nos. 28 and 29	*2,937
At upstream corporate limits	*1,012	Playa No. 13:	*2,907	Maps available for inspection at the City Hall, 411 West Eighth Street, Odessa, Texas 79760.	
Send comments to The Honorable Don Carter, Mayor of the City of Odessa, Ector and Midland Counties, P.O. Box 4398, Odessa, Texas 79760.					
VERMONT					
Brunswick (town) Essex County					
Connecticut River:					
At downstream corporate limits	*873	Playa No. 14:	*2,911	At confluence with Monahans Draw	*2,896
At upstream corporate limits	*898	Playa No. 15:	*2,905	Approximately 800 feet upstream of W. 18th Street	*2,913
Maps available for inspection at the home of the Chairman of the Board of Selectmen, Roger Case, R.F.D. 2, Box 118, Guildhall, Vermont.					
Send comments to The Honorable Roger Case, Chairman of the Town of Brunswick Board of Selectmen, Essex County, R.F.D. 2, Box 118, Guildhall, Vermont 05905.					
Fairlee (town), Orange County					
Connecticut River:					
At Fairlee-Thetford Town line	*407	Playa No. 16:	*2,905	Playa No. 11B	*2,945
At Bradford-Fairlee Town line	*411	Playa No. 17:	*2,907	Playa No. 12	*2,942
Maps available for inspection at the Town Hall, Fairlee, Vermont.					
Send comments to The Honorable Shirley Godfrey, Chairman of the Town of Fairlee Board of Selectmen, Orange County, Town Hall, Box 93, Fairlee, Vermont 05045.					
Lemington (town), Essex County					
Connecticut River:					
At downtown corporate limits	*997	Playa No. 18:	*2,873	Playa No. 14	*2,911
At upstream corporate limits	*1,012	Playa No. 19:	*2,887	Playa No. 15	*2,905
Maps available for inspection at the residence of Charles H. Wiley, R.R. 1, Box 162, Canaan, Vermont.					
Connecticut River:					
At downtown corporate limits	*997	Playa No. 20:	*2,894	Playa No. 16	*2,905
At upstream corporate limits	*1,012	Playa No. 21:	*2,912	Playa No. 17	*2,907
Maps available for inspection at the residence of Charles H. Wiley, R.R. 1, Box 162, Canaan, Vermont.					
Connecticut River:					
At downtown corporate limits	*997	Playa No. 22:	*2,913	Playa No. 19	*2,887
At upstream corporate limits	*1,012	Playa No. 23:	*2,913	Playa No. 20	*2,894
Maps available for inspection at the residence of Charles H. Wiley, R.R. 1, Box 162, Canaan, Vermont.					
Connecticut River:					
At downtown corporate limits	*997	Playa No. 24:	*2,913	Playa No. 24	*2,913
At upstream corporate limits	*1,012	Playa No. 25:	*2,933	Playa No. 25	*2,933
Maps available for inspection at the residence of Charles H. Wiley, R.R. 1, Box 162, Canaan, Vermont.					
Connecticut River:					
At downtown corporate limits	*997	Playa No. 26:	*2,932	Playa Nos. 28 and 29	*2,937
At upstream corporate limits	*1,012	Playa No. 27:	*2,936	Maps available for inspection at the City Hall, 411 West Eighth Street, Odessa, Texas 79760.	
Send comments to The Honorable Don Carter, Mayor of the City of Odessa, Ector and Midland Counties, P.O. Box 4398, Odessa, Texas 79760.					
VERMONT					
Brunswick (town) Essex County					
Connecticut River:					
At downstream corporate limits	*873	Playa No. 28:	*2,937	At confluence with Monahans Draw	*2,896
At upstream corporate limits	*898	Playa No. 29:	*2,950	Approximately 800 feet upstream of West 18th Street	*2,913
Maps available for inspection at the home of the Chairman of the Board of Selectmen, Roger Case, R.F.D. 2, Box 118, Guildhall, Vermont.					
Send comments to The Honorable Roger Case, Chairman of the Town of Brunswick Board of Selectmen, Essex County, R.F.D. 2, Box 118, Guildhall, Vermont 05905.					
Fairlee (town), Orange County					
Connecticut River:					
At Fairlee-Thetford Town line	*407	Playa No. 30:	*2,950	At confluence with Monahans Draw	*2,896
At Bradford-Fairlee Town line	*411	Playa No. 31:	*2,992	Approximately 800 feet upstream of West 18th Street	*2,913
Maps available for inspection at the Town Hall, Fairlee, Vermont.					
Send comments to The Honorable Shirley Godfrey, Chairman of the Town of Fairlee Board of Selectmen, Orange County, Town Hall, Box 93, Fairlee, Vermont 05045.					
Lemington (town), Essex County					
Connecticut River:					
At downtown corporate limits	*997	Maps available for inspection at the Ector County Courthouse, 3rd and Grant, Odessa, Texas 79760.		At confluence with Monahans Draw	*2,896
At upstream corporate limits	*1,012	Send comments to The Honorable Jan Fisher, Ector County Judge, Ector County Courthouse, 3rd and Grant, Odessa, Texas 79760.		Approximately 800 feet upstream of West 18th Street	*2,913
Maps available for inspection at the residence of Charles H. Wiley, R.R. 1, Box 162, Canaan, Vermont.					
Connecticut River:					
At downtown corporate limits	*997	Monahans Draw:		Playa No. 1:	*2,990
At upstream corporate limits	*1,012	Approximately 1,770 feet downstream of southern corporate limits	*2,850	Playa No. 2:	*3,002
Maps available for inspection at the residence of Charles H. Wiley, R.R. 1, Box 162, Canaan, Vermont.					
Connecticut River:					
At downtown corporate limits	*997	Immediately upstream of Interstate Route 20	*2,876	Playa No. 3:	*2,977
At upstream corporate limits	*1,012	Immediately upstream of U.S. Route 80	*2,896	Playa No. 4:	*2,980
Maps available for inspection at the residence of Charles H. Wiley, R.R. 1, Box 162, Canaan, Vermont.					
Connecticut River:					
At downtown corporate limits	*997	Immediately upstream of F.M. 1936 and western most corporate limits	*2,920	Playa No. 5:	*2,994
At upstream corporate limits	*1,012			Playa No. 6:	*2,989

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Send comments to The Honorable Charles H. Willey, Chairman of the Town of Lamington Planning Commission, Essex County, R.R. 1, Box 162, Canaan, Vermont 05903.		Approximately 490 feet downstream of the confluence of Mill Creek.....	*1,541	South Fork Popple River:	
VIRGINIA		Approximately 520 feet upstream of Fays Road.....	*1,547	Just upstream of County Highway D.....	*1,245
Charles City County (unincorporated areas)		Approximately 250 feet upstream of Burlington Northern Railroad.....	*1,551	About 0.7 mile upstream of Soo Line Railroad.....	*1,247
<i>Chickahominy River and adjoining estuaries:</i>		Approximately 1,300 feet upstream of Mantz Rickey Road.....	*1,554	<i>Rock Creek:</i>	
Entire shoreline within.....	*8.5	<i>Colville River Near Chewelah:</i>		About 1.1 miles upstream of State Highway 73.....	*1,137
<i>James River and adjoining estuaries:</i> Entire shoreline within community.....	*8.5	Approximately 200 feet upstream of Steinmetz Road.....	*1,631	About 2400 feet upstream of Town Road.....	*1,165
Maps available for inspection at the Planning Department, Courthouse Complex, Charles City, Virginia.		Approximately 750 feet downstream of Schmiedeloff Road.....	*1,634	<i>O'Neill Creek:</i>	
Send comments to The Honorable Fred A. Darden, Charles City County Administrator, P.O. Box 128, Charles City, Virginia 23030.		Approximately 900 feet downstream of Alm Lane Road.....	*1,637	About 1.6 miles downstream of confluence of North Branch O'Neill Creek.....	*1,004
King and Queen County (unincorporated areas)		Approximately 300 feet upstream of the confluence of Chewelah Creek.....	*1,640	At confluence of North Branch O'Neill Creek.....	*1,021
<i>Mattaponi River and adjoining estuaries:</i> At State Route 629.....	*6	Approximately 20 feet downstream of the Burlington Northern Railroad.....	*1,641	<i>South Branch O'Neill Creek:</i>	
<i>York River and adjoining estuaries:</i>		Maps are available for review at City Hall, 170 South Oak, Colville, Washington.		At confluence with North Branch O'Neill Creek.....	*1,022
At confluence of Propotank River.....	*7	Send comments to The Honorable Dee Thomas McKern, Chairman, Stevens County Board of Commissioners, Courthouse, 215 South Oak, Colville, Washington 99104.		Just downstream of Chicago and Northwestern.....	*1,096
At confluence of Mattaponi River.....	*8	WEST VIRGINIA		<i>Black River:</i>	
<i>Propotank River: At confluence with York River</i>	*7	Bruceston Mills (town), Preston County		Just upstream of State Highway 95.....	*915
Maps available for inspection at the Zoning Office, King and Queen Courthouse, Virginia.		<i>Big Sandy Creek:</i>		Just downstream of County Line Road.....	*914
Send comments to The Honorable Charles W. Smith, King and Queen County Administrator, King and Queen Courthouse, Virginia 23085.		Approximately 260 feet downstream of downstream corporate limits.....	*1,525	<i>McGrogan Creek:</i>	
Surry County (unincorporated areas)		At upstream corporate limits.....	*1,528	Just upstream of Town Road.....	*1,163
<i>James River and adjoining estuaries:</i> Entire shoreline within.....	*8.5	Maps available for inspection at the Town Hall, Bruceston Mills, West Virginia.		Just downstream of Soo Line Railroad.....	*1,210
Maps available for inspection at the Planning and Building Inspection Office, Surry Government Center, Surry, Virginia.		Send comments to The Honorable Steve Chidester, Mayor of the Town of Bruceston Mills, Preston County, P.O. Box 1, Bruceston Mills, West Virginia 26525.		<i>South Fork Eau Claire Road:</i>	
Send comments to The Honorable Terry D. Lewis, Surry County Administrator, P.O. Box 65, Surry, Virginia 23883.		WISCONSIN		Just upstream of County Highway M.....	*1,013
WASHINGTON		Baldwin (village), St Croix County		Just downstream of Mead Lake Dam.....	*1,043
Stevens County (unincorporated areas)		<i>Baldwin Creek:</i>		At confluence with Mead Lake.....	*1,056
<i>Columbia River:</i>		About 650 feet downstream of 10th Avenue.....	*1,114	Just downstream of County Highway M.....	*1,043
At River Mile 722.....	*1,294	About 575 feet upstream of Woodville Road.....	*1,129	Maps available for inspection at the Zoning Office, Room 107, Neillsville, Wisconsin.	
At River Mile 730.....	*1,303	Maps available for inspection at the Village Hall, 1090 Tenth Avenue, Baldwin, Wisconsin.		Send comments to The Honorable Robert E. Berglund, Chairman, County Board, Clark County, Zoning Office, Room 107, Neillsville, Wisconsin 54458.	
At River Mile 736.....	*1,308	Send comments to The Honorable Roland Riech, Village President, Village of Baldwin, Village Hall, 1090 Tenth Avenue, Baldwin, Wisconsin 54002.		Osseo (city), Trempealeau County	
At River Mile 741.....	*1,318	Clark County (unincorporated areas)		<i>Buffalo river:</i>	
At the U.S.-Canadian International Border.....	*1,327	<i>Yellow River:</i>		About 0.86 mile downstream of U.S. Highway 10.....	*943
<i>Colville River Near Colville:</i>		About 1.1 miles downstream of Yellow River Road.....	*1,241	About 1,100 feet upstream of Main Street.....	*958
Approximately 1,400 feet downstream of Gold Creek Road.....	*1,537	Just downstream of West Spencertown Road.....	*1,284	<i>South Fork Buffalo River:</i>	

The proposed modified base (100-year) flood elevations for selected locations are:

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Arizona.....	Apache County Unincorporated Areas.	Nutricso Creek.....	Approximately 1,655 feet downstream of North Papago Street.	None	*6,929
			Approximately 2,875 feet downstream of North Papago Street.	None	*6,951
			Approximately 1,280 feet upstream of abandoned highway bridge.	None	*6,985
			Approximately 6,030 feet upstream of abandoned highway bridge.	None	*6,990
			Approximately 12,580 feet upstream of abandoned highway bridge.	None	*7,015
maps are available for review at Apache County Planning and Zoning Department, 75 West Clezeland, St. Johns, Arizona.					
Send comments to The Honorable Arthur N. Lee, Chairman, Apache County Board of Supervisors, 75 West Clezeland, St. Johns, Arizona 85938.					
Arizona.....	Town of Springerville Apache County.	Nutricso Creek.....	Approximately 2,400 feet downstream of North Zuni Street (extended).	None	*6,929

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 440 feet downstream of North Zuni Street (extended).	None	*6,934
			North Zuni Street at the corporate limits	None	*6,945

Maps are available for review at the Apache County Planning and Zoning Department, 75 West Clezeland, St. Johns, Arizona.

Send comments to The Honorable Steven West, Mayor, Town of Springerville, P.O. Box 390, 23 South Papago, Springerville, Arizona 85938.

California	Santa Barbara County	San Jose Creek	At the confluence with San Pedro Creek	None	*9
	Unincorporated Areas		At Darford Drive Extended	None	*13
			Just upstream of Hollister Avenue	None	*37
			Just upstream of U.S. 101 westbound	None	*54
			Approximately 100 feet upstream of U.S. 101	None	*58
		Street Flow Along Hollister Avenue (Shallow Flooding).	Approximately 120 feet west of Kellogg Avenue.	None	*35
			At the intersection of Pine Avenue and Hollister Avenue.	None	#1
		Rincon Creek	Approximately 150 feet upstream of the coast line.	None	*13
			Just downstream of U.S. 101 South Frontage Road.	None	*16
			Approximately 200 feet upstream of Southern Pacific Railroad.	None	*42
			Approximately 100 feet downstream of Bates Road (County Road 3510).	None	*70
		Carneros Creek	Approximately 100 feet downstream of Los Carneros Road.	*48	*43
			Just upstream of Los Carneros Road	*48	*49
			Approximately 600 feet upstream of Los Carneros Road.	*50	*50
		Tecolotito Creek	Approximately 1,160 feet downstream of U.S. Highway 101.	*24	*24
			Approximately 260 feet downstream of U.S. Highway 101.	*35	*31
			Approximately 550 feet upstream of U.S. Highway 101.	*39	*39
		Buena Vista Creek (East Branch).	At Las Fuentes Drive located upstream of the confluence of Buena Vista Creek (West Branch).	None	*238
			At East Valley Road	*256	*256
		Buena Vista Creek (West Branch).	At Boundary Drive	None	*249
			At East Valley Road	*255	*255

Maps are available for review at the Santa Barbara County Flood Control Department, 123 East Anapamu Street, Santa Barbara, California.

Send comments to The Honorable Tori Miyoshi, Chairperson, Santa Barbara County Board of Commissioners, 105 East Anapamu Street, Santa Barbara, California 93101.

California	Shasta County	Churn Creek	Approximately 400 feet upstream of Interstate Highway 5.	*632	*632
	Unincorporated Areas.		Approximately 1,250 feet upstream of Oasis Road.	None	*648
			Approximately 100 feet above confluence with North Tributary Churn Creek.	None	*713
		Clover Creek (Near Sacramento River).	Approximately 525 feet upstream of Airport Road Bridge.	None	*409
			Just upstream of Hole-in-One Drive Bridge	None	*470
			Just downstream of Lyal Lane	None	*490
			Approximately 250 feet upstream of Sylvia Lane.	None	*494
			Approximately 1,750 feet upstream of Freeman Road.	None	*515
		Salt Creek	Approximately 1,250 feet downstream of Mendocino Street.	None	*646
			Approximately 350 feet downstream of Interstate Highway 5.	None	*665
			Approximately 1,875 feet upstream of Deer Creek Avenue.	None	*700
			Approximately 175 feet upstream of Front Street.	None	*761
			Approximately 1,200 feet upstream of Revin Lane.	None	*804
		Tormey Drain	Approximately 100 feet downstream of Shelley Lane.	None	*395
			At Merrill Lane	None	*399
			Just downstream of Davey Way	None	*400
		Newton Creek	At confluence with Churn Creek	None	*635
			Just downstream of Oasis Road	None	*644

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 2,700 feet upstream of Oasis Road.	None	*660
			Approximately 500 feet upstream of Southern Pacific Railroad.	None	*737
			Approximately 50 feet upstream of centerline of Lake Boulevard.	None	*772
		North Tributary Churn Creek.....	Approximately 50 feet upstream of confluence with Churn Creek.	None	*712
			Approximately 150 feet upstream of Ashby Road.	None	*745
			Approximately 80 feet upstream of Southern Pacific Railroad.	None	*792
			Approximately 220 feet upstream of Twin Lakes Mobile Home Park office.	None	*871
		Buckeye Creek.....	Just above confluence with Churn Creek.....	None	*631
			Approximately 60 feet upstream of Oasis Road..	None	*658
			Approximately 160 feet upstream of Belt Line Road.	None	*684
			Approximately 20 feet downstream of Southern Pacific Railroad.	None	*701

Maps are available at the Shasta County Water Agency, 1670 Market Street, Suite 240, Redding, California.

Send comments to The Honorable Michael Johnson, Chairman, Shasta County Board of Supervisors, County Courthouse, Room 206, Redding, California 96601.

Connecticut.....	Waterford, Town, New London County.	Niantic River.....	Along Old Mill road.....	*11	*10
			At Summer Rest Road extended.....	*11	*10
		Niantic Bay.....	At corporate limits.....	*11	*14
			At Millstone Nuclear Access Road extended.....	*11	*16
		Long Island.....	At Amtrack extended.....	*11	*16
			South side of Windward Way.....	*11	*15
		Jordan Cove.....	South side of Jordan Cove Road.....	*11	*13
			At Baldwin Drive extended.....	*11	*10
		Goshen Cove.....	North side of Great Neck Road.....	*11	*10
		Alewite Cove.....	Along Shore Drive.....	*11	*10
			At Niles Hill Road No. 1 extended.....	*11	*10

Maps available for inspection at the Town Hall, Rope Ferry Road, Waterford, Connecticut.

Send comments to The Honorable Lawrence J. Bottomcourt, First Selectmen for the Town of Waterford, New London County, Town Hall, Rope Ferry Road, Waterford, Connecticut 06385.

Idaho.....	Canyon County, Unincorporated Areas.	Boise River.....	Approximately 6,460 feet downstream of Union Pacific Railroad Crossing.	None	*2,338
			Approximately 240 feet downstream of U.S. Highway 84.	*2,355	*2,354
			Just upstream of Plymouth Street Bridge.....	*2,365	*2,366
			Approximately 2,300 feet upstream of Plymouth Street Bridge.	*2,364	*2,365
		Willow Creek.....	At confluence with Boise River.....	None	*2,381
			Just upstream of Sewage Lagoon Bridge.....	None	*2,386
			At farm bridge 2,000 feet upstream of Sewage Lagoon Bridge.	None	*2,392
			Just downstream of Railroad Bridge.....	None	*2,420

Maps are available for review at the Canyon County Courthouse, 1115 Albany Street, Caldwell, Idaho.

Send comments to The Honorable Joyce Chase, Chairperson, Canyon County Board of Commissioners, County Courthouse, 1115 Albany Street, Caldwell, Idaho.

Indiana.....	City of Fort Wayne, Allen County.	Natural Drain No. 7.....	At mouth.....	*817	*815
			About 350 feet upstream of Hatfield Road.....	*820	*820
		Spy Run Creek.....	At mouth.....	*758	*758
			Just upstream of Washington Center Road.....	None	*803
		Brown No. 2.....	Just upstream of Conrail.....	*822	*822
			Just downstream of Chalfant Road.....	*833	*833
		Krammer Ditch.....	At mouth.....	None	*768
			Just upstream of Woodbrook Drive.....	None	*774
		Sumner Drain.....	At mouth.....	*782	*784
			Just upstream of Stratton Road.....	*795	*795
		Becketts Run.....	At mouth.....	*765	*767
			Just downstream of Leo Road.....	None	*771
		Swift Ditch.....	At mouth.....	*777	*769
			Just downstream of Leo Road.....	None	*779
		Schoppman Ditch.....	Within community.....	*764	*765
		Fairfield Ditch.....	At mouth.....	*763	*763
			Just downstream of Lower Huntington Road.....	*764	*769
		Harber Ditch.....	At mouth.....	None	*769
			Just downstream of Baer Field Thruway.....	None	*775

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
		Junk Ditch.....	At mouth.....	*760	*760
			About 1900 feet downstream of Smith Road.....	*760	*756
		St. Marys River.....	At mouth.....	*758	*758
			About 1.9 miles upstream of Lower Huntington Road.	None	*768
		Flaugh Ditch.....	Just upstream of West Jefferson Boulevard.....	None	*777
			Just downstream of State Route 14.....	*792	*793
		Lawrence Branch.....	At Covington Road.....	*785	*783
			About 0.48 miles upstream of Wilkie Drive.....	*790	*788
		Trier Ditch.....	About 300 feet upstream of Wayne Trace.....	*769	*769
			About 1150 feet upstream of Tillman Road.....	None	*771
		Paul Trier Ditch.....	Within community.....	None	*771
		Natural Drain No. 2.....	Just upstream of Washington Center Road.....	*808	*808
			At confluence of Natural Drain No. 7.....	*817	*815
		Robinson Creek.....	About 1200 feet upstream of Smith Road.....	None	*784
			About 1100 feet downstream of confluence of Woods Ditch.	None	*789
		Pierson Ditch.....	At mouth.....	*753	*754
			Just downstream of Lake Avenue.....	*762	*758
			Just downstream of Lake Avenue.....	*770	*768
			Just downstream of State Boulevard.....	*777	*773
		Branch No. 1.....	At mouth.....	*772	*769
			Just downstream of State Boulevard.....	*776	*776
		Lower Neuhaus Ditch.....	At mouth.....	*776	*776
			About 550 feet upstream of Westgate.....	*790	*788
		Drain No. 6.....	Just downstream of Butler Road.....	None	*797
			Just downstream of Coliseum Boulevard West.....	None	*818
		St. Joseph River.....	At mouth.....	*758	*758
			About 1600 feet downstream of confluence of Salagy Ditch.	None	*769
		Maumee River.....	About 1.7 miles upstream of Landin Road.....	None	*751
			At confluence of St. Marys River.....	*758	*757
		Unnamed Tributary No. 1.....	At mouth.....	*762	*764
			Just downstream of Crescent Avenue.....	*766	*766
			Just upstream of Crescent Avenue.....	*773	*773
			About 350 feet upstream of Hampshire Drive.....	None	*786

Maps available for inspection at the City/County Building, 7th Floor, Ft. Wayne, Indiana.

Send comments to The Honorable Paul Helmke, Mayor, City of Ft. Wayne, City/County Building, Ft. Wayne, Indiana 46802.

Indiana.....	Town of Hometown, Allen County.	Willow Creek.....	About 400 feet upstream of confluence of Willow Creek Branch No. 8.	*820	*819
			Just upstream of Hunter Road.....	*828	*824
		Willow Creek Branch No. 7.....	About 500 feet upstream of Conrail.....	*835	*834
			Just downstream of Lima Road.....	*838	*836
		Willow Creek Branch No. 8.....	About 450 feet upstream of mouth.....	*820	*821
			About 900 feet downstream of Shoaff Road.....	*823	*822

Maps available for inspection at the Engineering Office, 15617 Lima Road, Hometown, Indiana.

Send comments to The Honorable David W. Rudolph, Town Board President, Town of Hometown, 15617 Lima Road, Hometown, Indiana 46748.

Indiana.....	City of New Haven, Allen County.	Dannenfelser-Cochoit Ditch.....	At mouth.....	*757	*757
			About 1500 feet downstream of Selma Drive.....	*782	*781
		Trier Ditch.....	At mouth.....	*750	*750
			Just downstream of Moeller Road.....	None	*762
		Maumee River.....	About 1.4 miles upstream of Bruick Road.....	*747	*747
			About 2.1 miles upstream of Landin Road.....	None	*751
		Bender Ditch.....	At mouth.....	*761	*759
			Just upstream of Seiler Road.....	*771	*771

Maps available for inspection at the Clerk Treasurer's Office, 1235 Lincoln Highway, New Haven, Indiana.

Send comments to The Honorable Lynn H. Shaw, Mayor, City of New Haven, 1235 Lincoln Highway, New Haven, Indiana 46774.

Kansas.....	City of Mulvane, Sedgwick and Sumner County.	Arkansas River.....	About 5300 feet downstream of County Road.....	None	*1,207
			Just downstream of Atchison, Topeka, and Santa Fe Railway.	None	*1,216
		Cowskin Creek Cutoff.....	At mouth.....	None	*1,218
			Just downstream of low water spillway.....	*1218	*1,221
		Cowskin Creek.....	Just upstream of low water spillway.....	None	*1,223
			About 1,500 feet upstream of Hillside Road.....	None	*1,227

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the Building Inspector's Office, City Hall, 211 North Second Street, Mulvane, Kansas. Send comments to The Honorable Gary Williams, Mayor, City of Mulvane, 211 North Second Street, Mulvane, Kansas 67110.					
Missouri	Village of Zalma, Bollinger County.	Castor River.....	About 350 feet downstream of State Highway 51. About 0.53 mile upstream of State Highway 51...	None	*380
				None	*383
Maps available for inspection at the City Hall, Zalma, Missouri. Send comments to The Honorable Herald C. Glasner, Chairman of the Board, Village of Zalma, P.O. Box 82, Zalma, Missouri 63787.					
North Carolina	Village of Alamance, Alamance County.	Big Alamance Creek.....	About 3,100 feet downstream of State Road 62. About 2,600 feet upstream of State Road 62	None	*508
				None	*513
Maps available for inspection at the Secretary's Office, Alamance Lutheran Church, Alamance, North Carolina. Send comments to The Honorable Fred Hoy, Mayor, Village of Alamance, P.O. Box 96, Alamance, North Carolina 27201.					
North Carolina	City of Creedmoor, Granville County.	Ledge Creek.....	About 1,700 feet downstream of U.S. Route 15.. Just downstream of Lake Rogers Dam..... Just upstream of Lake Rogers Dam..... About 1.0 mile upstream of Lake Rogers Dam....	None None None None	*275 *282 *288 *290
Maps available for inspection at the City Hall, Creedmoor, North Carolina. Send comments to the Honorable Hugh Montgomery, City Manager, City of Creedmoor, City Hall, P.O. Box 765, Creedmoor, North Carolina 27522.					
Oregon.....	City of Lakeview (Lake County).	North Goose Lake Basin	Approximately 2,500 feet downstream of State Highway 88.	*None	*4,732
Maps are available for review at City Hall, City Recorder's Office, 525 North First Street, Lakeview, Oregon. Send comments to The Honorable Bob Alger, Mayor, City of Lakeview, City Hall, 525 North First Street, Lakeview, Oregon 97630.					
Washington	City of Everett Snohomish County.	Possession Sound	On the shoreline approximately 4,000 feet south of the mouth of the Snohomish River. Directly west of the Port Gardner Breakwater ... Approximately 120 feet north of the intersection of Merrill and Ring Creek and Mukilteo Boulevard. Approximately 5,000 feet downstream of the Burlington Northern Railroad Bridge over the Snohomish River.	*8 None *9 *8	*8 *9 *9 *9
		Snohomish River.....	At the Interstate Highway 5 bridge over the Snohomish River. At U.S. Highway 2 bridge over the Snohomish River. Approximately 4,800 feet south, along the Diversion Canal, from its intersection with the Burlington Northern Railroad.	*10 *12 *18	*10 *13 *20
Maps are available for review at City Hall, 3002 Wetmore Avenue, Everett, Washington. Send comments to The Honorable William Moore, Mayor, City of Everett, City Hall, 3002 Wetmore Avenue, Everett, Washington 98201.					

Issued: December 12, 1989.

Harold T. Duryee,

Administrator, Federal Insurance Administration.

[FR Doc. 89-29875 Filed 12-27-89; 8:45 am]

BILLING CODE 6710-03-M

FEDERAL COMMUNICATIONS

COMMISSION

47 CFR Part 1

[General Docket No. 89-554, FCC 89-329]

World Administrative Radio Conference for Dealing With Frequency Allocations in Certain Parts of the Spectrum, 1992

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry.

SUMMARY: The Commission seeks public comment regarding its preparations for an International Telecommunication

Union (ITU) World Administrative Radio Conference (WARC) for dealing with frequency allocations in certain parts of the spectrum. The conference, which is currently scheduled to be held during the first quarter of 1992, will concern the HF broadcasting, mobile and space communications services. Comments submitted in this proceeding will be part of the record upon which the Commission will rely in making recommendations to the Department of State for United States proposals to the Conference.

DATES: Comments must be filed on or before February 16, 1990; reply comments must be filed on or before March 16, 1990.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: William Torak, Office of Engineering and Technology, (202) 632-7025.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Inquiry in General Docket No. 89-554, FCC 89-329, adopted November 28, 1989 and released December 13, 1989.

The full text of this document is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037. Summary of the Notice of Inquiry:

The 13th ITU Plenipotentiary Conference (Plenipot), which was held in Nice, France, May 23 to June 29, 1989, decided that a WARC should be held in 1992 dealing with frequency allocations in certain parts of the spectrum. The Nice Plenipot agreed that the agenda for WARC-92 will take into account allocation issues contained in the Resolutions and Recommendations relating to frequency allocations that were adopted at three prior ITU conferences: WARC for the Planning of the HF Bands Allocated to the Broadcasting Service, Second Session, 1987 (WARC HFBC-87); WARC for the Mobile Services, 1987 (WARC MOB-87); and WARC on the Use of the Geostationary Satellite Orbit and on the Planning of Space Services Utilizing It, Second Session, 1988 (WARC ORB-88). In addition, the Nice Plenipot agreed that WARC-92 should consider: (a) Articles 55 (Rev.) and 56 (Rev.) of the international Radio Regulations, as amended by WARC MOB-87, regarding on-board maintenance of shipborne radio and electronic equipment, (b) defining certain new space services and allocations to these services in frequency bands above 20 GHz, and (c) Appendix 26 of the international Radio Regulations regarding the Frequency Allotment Plan for the Aeronautical Mobile (OR) Service. The agenda and the exact dates for WARC-92 will be established by the ITU Administrative Council at its Spring, 1990 meeting.

In the Notice, the Commission summarizes briefly the major accomplishments of HFBC-87, MOB-87 and ORB-88 and highlights some of the outstanding allocation issues posed by the three conferences. Comments are invited on the allocation issues discussed

in the Notice and on other allocation issues that are urgent in nature and essential to U.S. interests.

List of Subjects in 47 CFR Part 1

Inquiries, Radio.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 89-29853 Filed 12-27-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 22

The Use of Cellular Telephones in Aircraft

AGENCY: Federal Communications Commission.

ACTION: Public notice.

SUMMARY: On September 2, 1988, the Commission issued a Notice of Proposed Rulemaking (53 FR 35851, Sept. 15, 1988) seeking comments on proposed rules prohibiting the use of cellular telephones in aircraft. This Public Notice informs all interested parties of the Commission's receipt of a letter from the Federal Aviation Administration stating their opposition to the use of cellular telephones in aircraft whether the aircraft is on the ground or in the air.

DATES: Comments in response to the FAA letter may be filed on or before January 18, 1990. Reply comments may be filed on or before February 2, 1990.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Dan Abeyta (202) 632-6460.

SUPPLEMENTARY INFORMATION:

Notice To File Comments on FAA Concerns Regarding the Use of Cellular Telephones in Aircraft

Report No. CL-90-67

December 13, 1989

On September 2, 1988, the Commission released a Notice of Proposed Rulemaking, CC Docket 88-411, 3 FCC Rcd 5265 (1988), seeking comments on proposed rules prohibiting the use of cellular telephones in aircraft. Comments were filed October 24, 1988, with reply comments filed November 8, 1988.

On November 30, 1989, the Commission received a letter from Arnold Aquilano, Associate Administrator for Airway Facilities at the Federal Aviation Administration (FAA). Mr. Aquilano states that the FAA is opposed to the use of cellular telephones in aircraft whether the aircraft is on the ground or in the air.

A copy of the FAA letter may be reviewed at the Dockets Public Reference Room, Room 239, 1919 M Street NW., Washington, DC 20554. Interested parties may file comments

in response to the FAA letter on or before January 18, 1990. Reply comments may be filed on or before February 2, 1990. An original and 5 copies shall be filed with the Secretary, Federal Communications Commission, 1919 M Street NW., Washington, DC 20554. All comments and replies shall reference the following number: CC Docket No. 88-411 and must be served on the FAA at the following address: Mr. Arnold Aquilano, Associate Administrator for Airway Facilities, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

For further information, contact Dan Abeyta at (202) 632-6460.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 89-29766 Filed 12-27-89; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 652

RIN 0648-AC19

Atlantic Surf Clam and Ocean Quahog Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of availability of an amendment to a fishery management plan, one minority report, and request for comments.

SUMMARY: NOAA issues this notice that the Mid-Atlantic Fishery Management Council (Council) has submitted Amendment 8 to the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries (FMP) for review by the Secretary of Commerce. Comments are invited from the public on the amendment and associated documents.

DATE: Comments will be accepted until February 20, 1990.

ADDRESSES: Send comments to Richard B. Roe, Director, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930. Clearly mark the outside of the envelope "Comments on Surf Clam Amendment 8". Copies of the amendment, environmental assessment, and regulatory impact review/initial regulatory flexibility analysis are available upon request from John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Federal Building, Room 2115, 300 South New Street, Dover, DE 19901-6790.

FOR FURTHER INFORMATION CONTACT: Jack Terrill, Resource Policy Analyst, 508-281-9252.

SUPPLEMENTARY INFORMATION: This amendment was prepared under the provisions of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*). This amendment proposes measures for managing the surf clam and ocean quahog fisheries in the Northwest Atlantic. The measures

proposed will: (1) Institute a vessel allocation system in the surf clam and ocean quahog fisheries; (2) remove effort limitations for all surf clam areas; (3) combine the Mid-Atlantic, Nantucket Shoals, and Georges Bank Areas; and (4) revise the surf clam minimum size provision.

One minority report objects to the measures proposed in Amendment 8. A copy of this minority report may be obtained from John C. Bryson at the

above address. Proposed regulations for this amendment are scheduled to be filed for publication by January 4, 1990.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: December 21, 1989.

Richard H. Schaefer,

Director of Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 89-30098 Filed 12-22-89; 2:33 pm]

BILLING CODE 3510-22-M

Notices

Federal Register

Vol. 54, No. 248

Thursday, December 23, 1989

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

National Agricultural Research and Extension Users Advisory Board; Meeting

According to the Federal Advisory Committee Act of October 6, 1972, (Public Law 92-463, 86 Stat. 770-776), the Office of Grants and Program Systems, Cooperative State Research Service, announces the following meeting:

Name: National Agricultural Research and Extension Users Advisory Board, USDA.

Date: February 12-15, 1990.

Time: 8:00 a.m.—5:00 p.m., February 12, 1990, 8:00 a.m.—5:00 p.m., February 13, 1990, 8:00 a.m.—5:00 p.m., February 14, 1990, 8:00 a.m.—12:00 noon, February 15, 1990.

Place: Embassy Suites Hotel, 1250 22nd St., NW., Washington, DC 20037.

Type of Meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person below.

Purpose: The Board will be preparing a report assessing the President's proposed FY 1991 budget for agricultural science and education agencies.

Contact Person for Agenda and More Information: Marshall Tarkington, Executive Secretary, National Agricultural Research and Extension Users Advisory Board; Room 432-A, Administration Building, U.S. Department of Agriculture, Washington, DC 20250-2200; telephone (202) 447-3684.

Done in Washington, DC, this 14th day of December 1989.

John Patrick Jordan,

Administrator.

[FR Doc. 89-30093 Filed 12-27-89; 8:45 am]

BILLING CODE 3410-22-M

Foreign Agricultural Service

Import Limitations: Review of Coverage of Import Restrictions in the Harmonized Tariff Schedule of the United States

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice of review and request for public comments.

SUMMARY: This notice describes the procedure to be used by the Department of Agriculture in developing recommendations to the President that he proclaim changes to the Harmonized Tariff Schedule of the United States pursuant to section 1211(c) of the Omnibus Trade and Competitiveness Act of 1988 (the Act).

FOR FURTHER INFORMATION CONTACT: Diana Wanamaker, Group Leader, Import Policies and International Organizations Group, Multilateral Trade Policy Affairs Division, Foreign Agriculture Service, Room 5530 South Building, Department of Agriculture, Washington, DC 20250. Telephone inquiries should be directed to Bob Spitzer at (202) 447-6064.

SUPPLEMENTARY INFORMATION: Section 22 of the Agricultural Adjustment Act of 1933, as amended (7 U.S.C. 624), provides that the President shall impose fees or quantitative limitations on articles imported into the United States if he finds that such articles are being or are practically certain to be imported under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, certain programs or operations undertaken by the Department of Agriculture, with respect to any agricultural commodity, or to reduce substantially the amount of any product processed in the United States from any agricultural commodity or product with respect to which any such programs or operation is being undertaken. Prior to January 1, 1989, such fees and quantitative limitations were set forth in part 3 of the Appendix to the Tariff Schedules of the United States (TSUS). Since that date, as a result of adoption of the Harmonized Tariff Schedule of the United States (HTS), such fees and quantitative limitations have been set forth in subchapter IV of chapter 99 of the HTS.

In addition, prior to January 1, 1989, the President had proclaimed a rate of duty and quantitative limitations applicable to certain imported sugars, syrups, and molasses in conformity with headnote 2 of subpart A of part 10 of schedule 1 of the TSUS ("sugar headnote"). As a result of adoption of the HTS, this provision became Additional U.S. Note 2 to chapter 17 of the HTS.

Section 1211(c) of the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418) authorizes the President to proclaim changes in subchapter IV of chapter 99 of the HTS and in addition U.S. Note 2 to chapter 17 of the HTS to conform them to part 3 of the Appendix to the Tariff Schedules of the United States (TSUS) and headnote 2 of subpart A of part 10 of schedule 1 of the TSUS, respectively. Such changes may be proclaimed if the President determines that conversion from the TSUS to the HTS has resulted in articles previously subject to import restrictions proclaimed pursuant to section 22 or covered by such sugar headnote being excluded from such restrictions, or articles previously excluded from the import restrictions proclaimed pursuant to section 22 or not previously covered by such sugar headnote being included within such restrictions. Section 1211(c) further provides that this authority may not be exercised after June 30, 1989.

The Department of Agriculture will conduct a review of public requests that the Secretary of Agriculture recommend to the President the proclamation of changes in the HTS pursuant to section 1211(c). The review will commence on January 22, 1990. This notice solicits submissions for that review. The Administrator of the Foreign Agricultural Service ("Administrator") will appoint an internal USDA task force to review the public requests. On the basis of the task force report, the Administrator may advise the Secretary of Agriculture to recommend that the President proclaim appropriate changes to the HTS.

Written submissions: Interested parties are requested to notify the Administrator in writing of articles which may meet the criteria of section 1211(c). Submissions should provide evidence of the tariff classification, including but not limited to Customs classification opinions and rulings, of the articles in question in the TSUS and

under the HTS, and evidence of historical trade in these articles, as well as any other information considered relevant. In order to be assured of consideration, submissions should be sent to The Administrator, Foreign Agriculture Service, U.S. Department of Agriculture, Washington, DC 20250, no later than close of business, January 19, 1990.

Done at Washington, DC, this 21st day of December, 1989.

R.E. Anderson Jr.,

Administrator, Foreign Agricultural Service.

[FR Doc. 89-30092 Filed 12-27-89; 8:45 am]

BILLING CODE 3410-10-M

Forest Service

Small Business Timber Set-Aside Program

AGENCY: Forest Service, USDA.

ACTION: Notice of proposed policy.

SUMMARY: The Forest Service gives notice of a new proposal to modify administration of the Small Business Timber Sale Set Aside Program. This proposal supersedes the proposed modification published September 25, 1987, at 52 FR 36075 and is made in response to comments received on the 1987 proposal. The new proposal would change the administration of the set-aside program as follows: (1) The amount of timber set aside when the program is initially triggered would be one half the total volume of the small business deficit plus the small business share with the full deficit and share set aside if the trigger remains in effect in subsequent periods; (2) The amount that the small business set-aside share could change at a scheduled recomputation would be limited to 10 percentage points when the market share is 50 percent or less and 10 percent of the share when the share is more than 50 percent. An exception is provided when analysis of individual market areas indicates a greater or lesser change is appropriate; (3) The recomputed share would be implemented without the requirement for at least a 5 point difference before a new share is established; (4) In circumstances where recomputations due to structural change apply, the procedures guiding the agency are strengthened and clarified; and (5) In Region 3, examination of the program is proposed and based on that evaluation the program in Region 3 would be modified if appropriate during the 5 year period following the 1991 scheduled recomputation of small business shares. The proposed changes would apply in Regions 1 through 6 of the Forest Service

where concerns about the program are most prevalent. Except for the changes proposed in this notice, the current set-aside policy and procedures would remain in effect. The intended effect of these proposed changes is to reduce the impact of large and rapid changes in the timber supply available to manufacturers of timber products that are dependent on National Forest timber for a significant portion of their raw material supply. The agency invites public comment on this latest proposal.

DATE: Comments on this proposal must reach the agency by February 12, 1990.

ADDRESSES: Those wishing to comment on this proposal should submit their views in writing to F. Dale Robertson, Chief (2400), Forest Service, USDA, P.O. Box 96090, Washington, DC 20090-6090. Public comments received may be inspected during normal business hours in the office of the Director of Timber Management Staff, Room 3207, South Agriculture Building, 14th and Independence Avenue, SW. Parties wishing to view comments are requested to call ahead (447-6893).

FOR FURTHER INFORMATION CONTACT:

Milo Larson, Timber Management Staff, (202) 475-3754.

SUPPLEMENTARY INFORMATION: Small Business Administration (SBA) regulations at 13 CFR part 121 and Forest Service policy in Chapter 2436 of the Forest Service Manual set forth current policy and procedures for the administration of the timber sale set-aside program on National Forest System lands. The basic objective of the program is to ensure that small timber businesses have the opportunity to purchase a fair proportion of the sale of timber from the National Forest System.

Background

The Forest Service's current policy and procedure for timber sale set-asides was adopted June 13, 1985 (50 FR 24788). In November of that year as a stipulation in a settlement of a lawsuit contesting the new policy, the Forest Service agreed to republish the policy and request additional comments. The policy, however, remained in effect. In response to the comments received on the June 1985 policy, the Forest Service published a proposed revision to the timber sale set-aside program on September 25, 1987. The major features of that proposal were as follows:

(1) Freeze the small business share in each market area at current levels.

(2) Reduce the threshold volume a firm would have had to have purchased for inclusion in a recomputation for structural change from 10 percent of the timber in a market area to 5 percent.

(3) Reexamine the entire program in 1991 to assess the effects of the changes made.

Public Comment

The Forest Service received about 290 written comments on the September 1987 proposal. These came from individual firms (149), other individuals (19), associations representing interests of large or small business groups (13), the Small Business Administration (1), and other or unidentified interests (4). In addition, the Forest Service received about 20 written or telephone inquiries from members of Congress or their staffs. The House and Senate Small Business Committees held hearings on the proposed change in the program in February and March of 1988. Testimony at both hearings closely followed the written comments submitted in response to the proposal.

Small businesses were strongly opposed to any change in the current program, but were most vehement in opposition to a freeze. In general, large business supported the proposal, but thought it did not go far enough in correcting perceived unfairness in the program. During the Congressional hearings, special examination of the program as it affects communities dependant on National Forest timber in Region 3 was suggested. Large business recommended additional changes, suggesting most strongly that the timber volume set-aside, in the event the program is triggered, be limited to the volume of the small business deficit only and not both the deficit and volume of the small business share as is required by the current policy. (The "small business share" is an amount of timber equal to a historically established percentage of Forest Service timber sold to small business in a market area. "Deficit" is an amount of timber represented by the difference between the amount of timber determined from the small business share established in a market area and the amount of timber small businesses have actually purchased over a series of 6-month analysis periods. "Trigger" occurs when small business is unsuccessful in purchasing its historic share in open market conditions and the accumulated deficit volume becomes 10 percent or more of the share volume.)

1. Freeze Small Business Shares

Comments were sharply split between large and small businesses. Large businesses strongly supported the freeze proposal on the basis that small business shares have tended to increase at successive recomputations and that

this is leading to large business being unfairly disqualified from bidding for all but a token amount of Forest Service timber in many market areas. They were especially concerned that large future increases would make it impractical for large businesses to continue operations in some areas. Small businesses were strongly and unanimously opposed to this change arguing that increases in shares are earned by increased participation in the market and the resultant increase in capacity is deserving of the protection that is supposed to be provided by the set-aside program. They felt periodic recomputation of small business shares is essential to maintain a viable small business sector. Large business was equally vehement about the need to limit the continued growth of small business shares.

Analysis of timber purchase and harvest data for the October 1985 through September 1988 time period reveals a mixed picture. While the overall trend of increasing small business purchase and harvest continued, in some market areas the trends indicate a decrease in small business share. Even though large increases in small business shares in certain market areas do appear likely, analysis of the data leads the agency to conclude that it is premature to completely do away with the recomputation policy adopted on June 13, 1985.

In addition, the Conference Report accompanying the Appropriations Act for FY 1989 included language urging the Forest Service not to adopt the changes as proposed. The language urged the agency to consider other alternatives. In light of the comments, review of the data, and congressional direction, the agency is withdrawing the freeze proposal.

2. Structural Change.

Structural change occurs when large or small timber manufacturers change size class, go out of business or are sold causing a different size class. These changes alter the mix of structure of the timber businesses within a market area. The current policy requires a history of timber purchases of 10 percent or more of the timber sold by the Forest Service in a market area by a firm before a change in its status can be considered in a structural change. In the September 1987 proposed revision, the agency proposed to reduce the threshold volume from 10 percent to 5 percent. The agency felt a reduction in the timber purchase history necessary for a firm's inclusion in structural change would increase sensitivity of the program.

Large business favored the agency's proposed reduction of the threshold for inclusion in structural change to 5 percent. Large business felt that the threshold for the application of structural change to firms which purchased 10 percent of total sawlog volume during the prior recomputation period unfairly favored small business because individual small businesses often do not purchase 10 percent of the timber in a market area and would not be included in structural changes. Large business argued that several small businesses could change size class or cease operations and thus have a collective effect that would not be considered in the structural change process. Small businesses opposed the change arguing that it unnecessarily complicates the program, would cause lack of stability in the program, and make it more appealing for large businesses to buy out small firms, ultimately reducing the small business share through structural changes.

The Agency accepts the argument that a reduction in threshold would result in more frequent changes in operation of the program. Further, any change in shares affects every large and small timber business in the market area, a situation which often causes appeal of the decision to invoke the change. Costs are thus incurred by timber businesses in each size classification and by the agency for what are likely to be small changes in shares. Therefore, the new proposal does not contain the earlier proposed reduction of the threshold for inclusion in structural change from a purchase history of 10 percent to 5 percent.

The current policy defines structural change as occurring when businesses change size class or discontinue operations and thus change the established relationship between small and large businesses active in a market area. Several reviewers asked for expansion of its application, and suggested changes in procedures for determining and implementing structural change. Comments from both large and small business suggested clarifying procedures for structural change and especially indicating who is responsible for identification of situations that call for structural change and for initiation of the recomputation. Language in the current policy concerning timing of the steps leading to recomputations for structural and subsequent implementation was also questioned. The agency agrees with these comments and is proposing a clarification of the procedures to be followed in determining and implementing structural

change and of the responsibilities of the officials authorized to invoke the changes.

3. Review of the Program in 1991

The 1987 proposal would have directed the agency to restudy the entire set-aside program in 1991 to assess the effects of the freeze and other changes and to determine if additional changes would be required at that time. Large business generally supported the study. Small business opposed the proposal on the basis that the program has been reviewed almost continuously with resultant uncertainty. They viewed the proposal as a further attempt to weaken the program in 1991. This latest proposal does not contain a requirement for review of the entire program at a specific time. The agency will rely on its cooperative relationship with the Small Business Administration to ensure that the set-aside program meets the objectives of the Small Business Act. The agency will, however, review the effects of the program on a continuing basis.

New Proposal

Based on consideration of the comments received, analysis of potential alternatives, the available data, an agreement between groups representing some large and small businesses in the west, and the advice from Congress, the Forest Service has concluded that some change in the program is warranted, particularly in the western United States where concern is the greatest. However, based on the public comment and review of the data on trends in market shares, the Forest Service has concluded that there is an insufficient basis for adopting the major changes in the program proposed on September 25, 1987. Therefore, this proposed policy calls for the final policy published on June 13, 1985, to continue to govern the program except that the sections of the Forest Service Manual pertaining to future recomputations, structural change, and set aside of deficit and share volume would be modified. Editorial clarifications and five elements of the program are proposed for change.

1. Amount of Timber Set-Aside.

The previous proposal did not address change in the amount of timber set-aside when the program is triggered. This received considerable comment from large businesses who argued that setting aside both the deficit and the small business share at an initial triggering effectively precludes large businesses from competing for a substantial portion of the timber available in a market area

for a minimum of 6 months and much longer if the deficit persists. Small business argued that set aside of both the deficit and the small business share is essential to enable them to purchase the small business share and to eliminate the deficit. They made the argument that allowing a deficit to persist over a protracted period of time is counter to the objectives of the program. The agency accepts portions of both arguments. The deficit is typically smaller than the share in an initial triggering situation. When a set-aside is initially triggered, an open market situation where all firms compete for all timber offered for sale is abruptly and, in many market areas, substantially altered because both the share and the deficit are set aside. Large firms would be precluded from competing for timber sales needed to sustain their operations. Therefore, the agency proposes that in an initial trigger situation only half of the sum of the deficit and the small business share timber volume would be set aside and if the deficit situation is not eliminated through normal operation of market forces, all of the deficit and the small business share would be set aside in the next 6-month period.

2. Amount of Change at Schedule Recalculations

Comments indicated concerns about large and abrupt changes in the small business share that sometimes occur at scheduled recalculations. To respond to those concerns, the agency proposes that the amount that the amount that the small business set-aside could change at a scheduled recalculation would be limited to 10 percentage points when the small business market share is 50 percent or less. When the small business share is more than 50 percent, the amount of share change is limited to percentage points equivalent to 10 percent of the existing share. An exception to the limit on share change would be provided when analysis or individual market areas indicates a greater or lesser change is appropriate.

3. Drop Requirement for Minimum 5 Point Change

The current policy provides for no change in the small business share unless the recomputed share differs from the former share by 5 points or more. Concerns reflected in the comments on the prior proposal indicated a need to limit large changes in shares. As noted above, the new proposal contains a limitation on the maximum amount of share change. With the proposed limitation on large changes and a policy that does not recognize the small changes, something very near to

the "freeze" rejected in the prior proposal would result. Therefore, it is appropriate to drop the requirement for at least a 5-point difference before a share change is established.

4. Structural Change

Comments from both small and large businesses indicated concern with unclear language describing procedures for structural change. The agency agrees that guidance affecting both the agency and affected industry is unclear. The existing description of circumstances leading to structural change and of actions needed when those circumstances do occur is confusing. Therefore, additional detail and clarification of procedures for recalculation due to structural change is proposed.

5. Special Examination in Region 3

Comments indicated a need to examine the implications of National Forest timber sale levels on the economic stability of isolated communities and, specifically, the effects of the Small Business set-aside program on the stability of such communities. These comments were specific to communities in the Southwestern part of the country, Region 3 of the Forest Service. In response, the agency proposes that in Region 3, the program be examined and, if appropriate, be modified during the 5-year period following the recalculation scheduled in 1991. The Agency requests comment both on the proposal to make the examination and on aspects of the set-aside program most in need of examination. Comments should include rationale for suggestions provided.

Proposed Policy

The applicable sections of the Forest Service Manual would be modified as follows:

Recalculations

2436.28 Announcement of Recalculations.

The Small Business Administration Regional Representative shall be consulted and requested to review all recalculations as well as any determination of structural change. Following review by the Small Business Administration, the Forest Supervisor shall prepare an environmental analysis and provide appropriate notification. After review and analysis of public comment, the Forest Supervisor shall prepare a Decision Notice which shall be provided to the public under the guidelines of 36 CFR 217.5. Recalculation results and structural

change determinations are subject to appeal under 36 CFR 217. The signing of the notice by the responsible official is the date beginning the time period during which appeals may occur.

In the case of a structural change decision, the determination of structural change may not be repealed at the time recalculation results for the structural change are announced. Only the decision establishing the new shares resulting from the recalculation may be appealed at that time.

(Note, the remainder of section 2436.28 is not being changed)

2436.34 Examination of the Program in Region 3.

The Forest Service will study the aspects of the program affecting stability of communities dependent on National Forest timber supply and that will otherwise improve operation of the program. Complete the examination expeditiously in order to allow implementation of resultant recommendations during the 5-year period following the 1991 recalculation.

2436.35 Future Share Changes in Regions 1, 2, 3, 4, 5, and 6.

2436.35a Schedule Recalculations.

Recompute small business shares using the weighted average purchase and harvest history for small business firms in each market area. Use data from the time period between the previous recalculation (regular, structural change or unique circumstances) and the date for the regular recalculation. For purposes of share calculation, base harvest history on timber sale statements of account and available records of deliveries by non-manufacturers of sawlog timber purchases from open sales to small or large business firms for processing (FSM 2436.43). Obtain data for this calculation from the annual reports submitted by non-manufacturers for log export control where these records are required. Determine the proportion delivered to large and small business, and the proportions to distribute harvest shown on timber sale statements to the appropriate business size class. Obtain harvest history for small and large manufacturers from timber sale statements of account. Base harvest history for sales purchased by manufacturers on total harvested volume, and not on delivery for processing. Consider volume from tree measurement sales as harvested if it has been paid for.

Use the recomputed results to establish the new small business share.

However, increases or decreases in market shares shall be limited at each recomputation as follows:

1. If the share is 50 percent or less, changes in share would be limited to 10 share percentage points.
2. If the share is more than 50 percent, changes in share would be limited to 10 percent of the current share.

In each market area where the recomputed share would result in a share change of more than either of the limits, the Forest Supervisor and the Small Business Administration representative shall analyze the structure of the timber industry in the market area and determine the applicability of the limits. If the analysis indicates the limit should not apply, the Forest Supervisor shall justify an appropriate small business share and propose it to the Regional Forester for approval (FSM 2436.28). In the analysis supporting a proposal for a share above the limits, the Forest Service shall consider the capacity of the firms active in the market area, the available timber supply, the probable effects on communities where manufacturing plants are located, the effects of timber volume carried over from prior periods, and other factors which the Forest Supervisor deems significant. Surplus or deficit volume carried over from the prior recomputation that would cause the limits to be exceeded shall be sufficient reason for exceeding the limit.

Calculate surplus or deficit volumes to be carried over from the previous period based on small business harvest performance. Exhibit 1 displays how to use harvest performance, calculated as a ratio of harvest to purchase, to adjust carryover volumes.

EXHIBIT 1.—HANDLING OF CARRYOVER VOLUMES IN RECOMPUTING SHARES

Small business weighted average purchase and harvest percent results in:	Small business harvest to purchase ratio of	Effect on share and carryover volume
1. Increase from current share.	A. .90 ratio or more.	Drop surplus carryover. Retain ½ deficit carryover.
	B. Less than .90 ratio.	Drop deficit carryover. Retain ½ surplus carryover.
2. Decrease from current share.	A. .90 ratio or more.	Drop surplus carryover. Retain ½ deficit carryover.

EXHIBIT 1.—HANDLING OF CARRYOVER VOLUMES IN RECOMPUTING SHARES—Continued

Small business weighted average purchase and harvest percent results in:	Small business harvest to purchase ratio of	Effect on share and carryover volume
	B. Less than .90 ratio.	Drop deficit carryover. Retain ½ Surplus carryover.

2436.35b Recalculations Due to Structural Change.

Recompute shares following structural change. The procedure is designed to provide small business firms the opportunity to maintain their historical share when a firm changes size, but provides a reasonably rapid adjustment of shares to reflect the actual purchase and harvest patterns which develop. Recompute small business shares 3 years after a structural change occurs. Base the recomputation on the purchase and harvest history for the 3-year period, beginning with the first full 6-month period following the structural change. When a recomputation for a structural change would occur within a year of a scheduled recomputation (before or after), skip the scheduled recomputation. Make the recomputation effective at the beginning of the first 6-month period following the three-year period. In the event two or more structural changes occur in the same 6-month period, there will be one recomputation with respect to all structural changes that occurred in the same half year.

Compute small business shares following structural change in the same manner as a scheduled recomputation. Structural change recomputations shall not be subject to the limitations on the amount of share change applicable to schedule recomputations, but are subject to the lower limit of one half the base share established in 1971 and the upper limit of 80 percentage points. Announce the results in the same manner as a scheduled recomputation (FSM 2436.28) and in accordance with 36 CFR 217.5.

Adjust carryover volumes using the small business harvest to purchase ratio. When the share increases and the ratio is .90 or more drop carryover surplus, if less than .90 retain ½ the carryover surplus. When the share decreases and the ratio is .90 or more retain ½ the

carryover deficit, if less than .90 drop carryover deficit.

Forest Supervisors may recognize structural change on their own or may act upon recommendation of their subordinate staff when conditions for structural change appear to have occurred. Supervisors shall, in consultation with the Small Business Administration, act upon a request for recomputation due to structural change from any manufacturer or interested party within 60 calendar days of the request. The Supervisor shall make a determination which includes a judgment as to whether the definition for structural change was met. The purpose for making the determination is to enable clear and accurate records of the events at the time they occur rather than to reconstruct them at the time recomputation is due, several years later. If structural change did occur, include the date at which the structural change was judged to have taken place, the time period to be included in the purchase and harvest data for the recomputation, and when the recomputation is expected to become effective if a change in shares should result. Document the results of the determination, make documentation available to interested and affected parties, and if structural change did occur, retain as an open file until the recomputed share is in effect. Announce the result of the determination in accordance with FSM 2436.28.

Set-Aside of Deficit and Share Volume

2436.44 Initiating Required Set-Aside Program.

The Forest Supervisor shall initiate a set-aside sale program when the accumulated timber volume deficit to date (in any full 6-month analysis period) equals or exceeds 10 percent of the small business share for the previous 6-month analysis period. In this event, a trigger situation exists. Also initiate a set-aside program at the beginning of a 5-year recomputation period when both of the following take place: (1) Triggering of a set-aside program occurred in the last 6-month analysis for the previous 5-year recomputation period and (2) volume deficits sufficient to trigger set-aside were carried forward from the previous recomputation.

When a set-aside program is triggered, always provide at least 20 percent of the volume in a 6-month period as open sales.

In Regions 1 through 6, in an initial trigger situation, the Forest Supervisor shall set aside timber volume approximately equal to ½ of the sum of

the deficit and the share volume subject to the limitation that 20 percent of the offered volume must be in open sales. An initial trigger situation is any trigger following a period when no volume is set aside. If at the end of that set-aside period, sufficient deficit remains to cause a trigger situation, set aside both the deficit and the small business share volume except for the 20 percent of the volume that must be offered as open sales. Set aside the deficit and share in each successive 6-month period where a trigger situation exists, subject to the 20 percent open volume limitation. Further, during the last year of a recomputation period, set aside both the deficit and the share in any trigger situation, subject to the limitation that 20 percent of volume be offered as open sales.

In Regions 8, 9 and 10, the Forest Supervisor shall set aside both the share and the deficit each time the program is triggered, subject to the 20 percent in open sale volume limitation.

When a set-aside sale program triggers, individual sale volume makeup may make it impractical to set-aside volume exactly equal to the amount of deficit and share calculated for the analysis period. Select set-aside sales that total as close as practically possible to the calculated amount, but the actual set-aside volume may be more or less than indicated by the calculation.

Impacts

This proposed policy has been reviewed against the objectives and criteria of Executive Order 12291, and it has been determined that these changes in policy will not result in any of the economic or regulatory impacts associated with a major rule. The discretion available to the Secretary is in selecting administrative procedures to facilitate operation of the set-aside program. This proposal will not have an annual effect on the economy of \$100 million or more and will not result in a major increase in costs for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and will not have significant adverse effects on competition, employment, investment, productivity, innovation, and the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Moreover, this proposed policy would not have significant economic impact on a substantial number of small entities. The proposal would continue to insure that small business timber industry firms have the opportunity to obtain a fair proportion of National Forest timber sales. The proposed policy would require the use of existing reporting and

inspection procedures and does not increase compliance or administrative costs of small entities.

This policy is an administrative procedure and in and of itself will have no effect on the quality of the human or natural environment. Therefore, the requirements of the National Environmental Policy Act do not apply.

The agency invites written comment on this proposal. Comments received will be fully considered in development of a final policy. Upon adoption, the final policy will be set forth in forthcoming revisions of the Forest Service Manual Chapter 2436 and Timber Sale Preparation Handbook (FSH 2409.18).

Dated: September 26, 1989.

George M. Leonard,

Associate Chief.

[FR Doc. 89-30134 Filed 12-27-89; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Office of the Secretary

[Docket No. 91154-9254]

Waiver of Federal Information Processing Standards for High-Performance Scientific Processors To Be Acquired by the Department of Commerce

AGENCY: Department of Commerce.

ACTION: Notice of federal information processing standards waiver.

SUMMARY: The Assistant Secretary for Administration has granted a waiver to the requirements of the following specified FIPS as they apply to the Department of Commerce Supercomputer Project. Under this project high-performance scientific processors will be acquired for the National Meteorological Center, the National Institute of Standards and Technology, and the Geophysical Fluid Dynamics Laboratory. The waiver is based on adverse operational and economic impact.

FIPS PUB

60-2.....	Input/Output channel interface.
61-1.....	Channel level power control
63-1.....	Operational specifications for variable, rotating mass storage
97.....	Operational specifications for fixed block, rotating mass storage

111.....	Storage module interfaces
130.....	Intelligent peripheral interface
131.....	Small computer system interface

EFFECTIVE DATE: October 11, 1989.

FOR FURTHER INFORMATION CONTACT:

Francis J. Balint, (301) 763-8019.

AUTHORITY: Pursuant to section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d)) as amended by the Computer Security Act of 1987, the Secretary of Commerce delegated this waiver authority to the Assistant Secretary for Administration on August 17, 1989.

Dated: December 15, 1989.

Richard E. Shute,

Director, Management and Information Systems.

[FR Doc. 89-30057 Filed 12-27-89; 8:45 am]

BILLING CODE 3510-CW-M

[Docket No. 91288-9288]

Delegation of Authority To Waive Federal Information Processing Standards (FIPS) for Acquisitions by the Department of Commerce

AGENCY: Department of Commerce.

ACTION: Notice of delegation of authority.

SUMMARY: Pursuant to section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d)) as amended by the Computer Security Act of 1987, the Secretary of Commerce has delegated to the Assistant Secretary for Administration the authority to waive FIPS requirements for computers and related telecommunications systems acquired and managed by the Department of Commerce.

EFFECTIVE DATE: August 17, 1989.

FOR FURTHER INFORMATION CONTACT:

James E. McNamee, (202) 377-3201.

Dated: December 15, 1989.

Richard E. Shute,

Director, Management and Information Systems.

[FR Doc. 89-30056 Filed 12-27-89; 8:45 am]

BILLING CODE 3510-CW-M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Gulf of Mexico Fishery Management Council will hold a public meeting of its Shrimp Advisory Panel (AP) on January 16, 1990, at the Doubletree Hotel, 300 Canal Street, New Orleans, LA. The Shrimp AP will begin its meeting at 10 a.m., to review the 1989 Texas closure, and to make recommendations to the Council for the 1990 closure. It also will discuss the definition of overfishing. The meeting will adjourn at 5 p.m.

For more information contact Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 881, Tampa, FL; telephone: (813) 228-2815.

Dated: December 22, 1989.

David S. Crestin,

Deputy Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 89-30099 Filed 12-27-89; 845 am]

BILLING CODE 3510-22-M

Gulf of Mexico Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Gulf of Mexico Fishery Management Council will hold separate public meetings of its Scientific and Statistical Committee (SSC), and its Swordfish Advisory Panel (AP). The SSC will meet on January 17, 1990, at the Doubletree Hotel, 300 Canal Street, New Orleans, LA. Its meeting will begin at 10 a.m., and will recess at 5 p.m. The SSC meeting will reconvene on January 18 at 8 a.m., and will adjourn at noon. The Swordfish AP will meet on January 11, 1990, at the Gulf of Mexico Council's office (address below). Its meeting will begin at 8:30 a.m., and will adjourn at 5 p.m.

The SSC will review the 1989 Texas shrimp closure and will discuss the definition of overfishing. It also will review draft Amendment #2 to the Reef Fish Fishery Management Plan (FMP), which will restrict harvest of jewfish. In addition, the SSC and the Swordfish AP will review the following proposed management measures for inclusion into draft Amendment #1 of the FMP for Atlantic Swordfish:

1. Acceptable biological catch (ABC) in the initial year (1991) will be 3.83 million pounds dressed weight stockwide.
2. Total allowable catch (TAC) for the U.S. fishery is 1.85 million pounds dressed weight for the initial year (1991).
3. Directed fishing for swordfish is prohibited until TAC for the upcoming

year exceeds the projected bycatch by at least ten percent.

4. The use of artificial and/or light sticks on longlines is prohibited until the directed fishery is reopened.

5. The TAC will be allocated entirely to the bycatch fishery in the initial year, using a two-tiered bycatch allocation system. The initial bycatch allocation will be six swordfish per trip. If the vessel carries and pays for an observer, all dead swordfish may be retained if the observer certifies that the fish were a legitimate bycatch of directed tuna fishing.

6. Night-time longlining would be prohibited after the quota (TAC) is reached. This regulation is to apply to both foreign and domestic longline fisheries inside the Exclusive Economic Zone.

7. Imports of swordfish from the same stock will be prohibited after the quota is taken and the U.S. fishery is closed.

8. There will be a recreational fishing allocation of 110 fish, subject to the following restrictions:

- a. Sale is prohibited.
- b. Minimum size is 150 pounds whole weight (no minimum size and 75 pound minimum size also is being considered).
- c. Only rod and reel may be used.
- d. A permit or stamp may be issued to track the quota.

9. A control date of August 16, 1989, is established as a benchmark for possible limited entry.

10. Drift entanglement gillnet fishing is prohibited in the swordfish fishery.

For more information contact Douglas R. Gregory, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 881, Tampa, FL; telephone: (813) 228-2815.

Dated: December 22, 1989.

David S. Crestin,

Deputy Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 89-30100 Filed 12-27-89; 8:45 am]

BILLING CODE 3510-22-M

Gulf of Mexico Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Gulf of Mexico Fishery Management Council and its Committees will meet January 22-25, 1990, at the Wyndham Hotel, 900 North Shoreline Boulevard, Corpus Christi, TX. Except as noted below, the meetings are open to the public.

The Gulf of Mexico Council will begin its meeting on January 24 at 8:30 a.m., to hear comments on the future direction for the National Marine Fisheries

Service's Southeast Regional Office. From 9:15 a.m. to 9:45 a.m., it will hear public comments on the 1989 Texas shrimp closure, and will review committee recommendations.

From 11 a.m. to 11:30 a.m., the Council will hear public comments on Amendment #2 to the Reef Fish Fishery Management Plan (FMP), review committee recommendations, as well as discuss rejected measures of Amendment #1 to the Reef Fish FMP. From 2 p.m. to 2:30 p.m., it will hear public testimony on Amendment #1 to the Swordfish FMP, and review committee recommendations. It also will hear reports from the Habitat Protection, Administrative Policy, and Budget Committees, and will hear the U.S. Fish and Wildlife Director's report.

From 5 p.m., to 5:15 p.m., in a closed session (not open to the public), the Council will review the Personnel Committee's recommendations. The Council will recess after the closed session.

On January 25 at 8:30 a.m., the Council will reconvene, and will hear a status report of the Marine Recreational Fishery Statistics Survey, as well as the Director's Report. It also will hear reports of the Intercouncil Shark and Enforcement Committees. The Council meeting will adjourn at 10:30 a.m.

On January 22 at 12:30 p.m., the Swordfish Management Committee will begin its meeting. Afterwards, from 4 p.m., to 4:30 p.m., in a closed session (not open to the public) the Budget Committee will begin its meeting. From 4:30 p.m., to 5:30 p.m., the Habitat Protection Committee will meet.

On January 23 at 8 a.m., the Administrative Policy Committee will begin its meeting, followed by meetings of the Reef Fish and Shrimp Management Committees, which will adjourn at 5 p.m.

For more information contact Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 881, Tampa, FL 33609; telephone: (813) 228-2815.

David S. Crestin,

Deputy Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 89-30101 Filed 12-27-89; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

As indicated below, the Mid-Atlantic Fishery Management Council will hold

two public Council meetings during January 1990, and also will hold a public meeting of its Shark Subcommittee.

The Mid-Atlantic Council will meet on January 9, 1990, at the Ramada Inn, 76 Industrial Highway, Essington, PA (telephone: 215-521-9600). The Council will begin its meeting at 10 a.m., to discuss the butterflyfish fishery.

The Mid-Atlantic Council will hold its scheduled meeting on January 17-18, 1990, at the Holiday Inn, 45 Industrial Highway (Route 291), Essington, PA (telephone: 215-521-2400). It will begin its meeting on January 17 at 8:30 a.m., to discuss shark, billfish, swordfish, and tuna fishery management, the butterflyfish fishery, and other fishery management and administrative issues. The meeting will recess at approximately 4:15 p.m. On January 18 the Council meeting will reconvene at 8 a.m., and will adjourn during the early afternoon of the same day. The meeting may be lengthened or shortened depending upon progress on the agenda. The Council also may hold a closed session (not open to the public) to discuss employment and/or national security matters.

The Mid-Atlantic Council's Shark Subcommittee will meet on January 16 from 10 a.m., to approximately 4:30 p.m., also at the Ramada Inn (address above).

For more information contact John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901; telephone: (302) 674-2331.

Dated: December 22, 1989.

David S. Crestin,

Deputy Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 89-30102 Filed 12-27-89; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council; Public Teleconference

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council will hold a public telephone conference on January 10, 1990, at 9 a.m., PST, at locations listed below. The Council's regularly scheduled January public meeting has been cancelled due to budget limitations. The Council will discuss the following halibut allocation and groundfish management issues:

A. Allocation of Pacific halibut among tribal Indian and non-Indian sport and commercial fisheries, south of British Columbia, for 1990.

B. Sablefish management measures for 1990 for trawl and non-trawl fisheries, and estimated set-aside for treaty Indian fisheries.

C. The season opening date for whiting joint ventures in 1990.

Public participation in the telephone conference will be at one of the following locations:

1. National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS), 7600 Sand Point Way, N.E., Seattle, WA

2. NOAA/NMFS, 300 South Ferry Street, Conference Room, Terminal Island, CA

3. Makah Tribal Center, Fisheries Management Office, Neah Bay, WA

4. Peninsula College, Administrative Building, Board Room, Port Angeles, WA

5. Oregon Department of Fish and Wildlife, Marine Science Drive, Building 3, Newport, OR

6. Oregon Department of Fish and Wildlife, 53 Portway Street, Astoria, OR

7. Independent Troll Fishermen of Oregon, 4595 Kingfish Drive, Charleston, OR

8. Seafarers Hall, Marine Way, Crescent City, CA

9. Washington Department of Fisheries, 115 General Administration Building, Olympia, WA

10. Fishermen's Marketing Association, 320 Second Street Eureka, CA

Detailed agencies for the above teleconference will be made available to the public after December 22, 1989. For more information contact Lawrence D. Six, Executive Director, Pacific Fishery Management Council, 2000 S.W. First Avenue, Room 420, Portland, OR 97201; telephone: (503) 328-6352.

Dated: December 22, 1989.

David S. Crestin,

Deputy Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 89-30103 Filed 12-27-89; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Limits for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in India

December 21, 1989.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits for the new agreement year.

EFFECTIVE DATE: January 1, 1990.

FOR FURTHER INFORMATION CONTACT:

Jennifer Tallarico, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these items, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 343-6494. For information on embargoes and quota re-openings, call (202) 377-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; Sec. 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement of February 6, 1987, as amended, between the Governments of the United States and India, establish import limits for the 1990 agreement year.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION:** Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 53 FR 44937, published on November 7, 1988).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 21, 1989.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further amended on July 31, 1986; pursuant to the Bilateral Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement on February 6, 1987, as amended, between the Governments of the United States and India; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1990, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, man-made fiber, silk blend and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in India and exported during the twelve-month period which begins on

January 1, 1990 and extends through December 31, 1990, in excess of the following restraint limits:

Category	Twelve-month restraint limit
Levels in group I	
218.....	7,466,801 square meters.
219.....	37,578,908 square meters.
313.....	19,978,395 square meters.
314.....	4,697,364 square meters.
315.....	7,889,689 square meters.
335.....	197,316 dozen.
336/638.....	495,259 dozen.
338/339/340.....	1,362,426 dozen.
341.....	2,981,640 dozen of which not more than 1,789,104 dozen shall be in blouses made from fabrics with two or more colors in the warp and/or filling in Category 341-Y (HTS numbers 6204.22.3060, 6206.30.3010 and 6206.30.3030).
342.....	452,586 dozen.
347/348.....	321,157 dozen.
363.....	24,500,880 numbers.
Group II	
200, 201, 220-229, 237, 239, 300/301, 317, 326, 330-334, 345, 349-352, 359-362, 369-D ¹ , 369-S ² , 369-O ³ , 600-607, 611-635, 638-652, 659, 665-O ⁴ , 666-670 and 831-859, as a group.	114,093,898 square meters equivalent.
Sublevels within group II	
237.....	105,461 dozen.
300/301.....	3,102,256 kilograms.
369-D.....	776,345 kilograms.
369-S.....	426,787 kilograms.
640.....	148,958 dozen.
641.....	881,271 dozen.
642.....	267,806 dozen.
647/648.....	378,421 dozen.

¹ In Category 369-D, only HTS numbers 6302.60.0010, 6302.91.0005 and 6302.91.0045.

² In Category 369-S, only HTS number 6307.10.2005.

³ In Category 369-O, all HTS numbers except 6302.60.0010, 6302.91.0005 and 6302.91.0045 in Category 369-D; 6307.10.2005 in Category 369-S; and rugs exempt from the Bilateral Agreement in HTS numbers 5702.10.9020, 5702.49.1010 and 5702.99.1010.

⁴ In Category 665-O, all HTS numbers except rugs exempt from the Bilateral Agreement in HTS numbers 5702.10.9030, 5702.42.2010, 5702.92.0010 and 5702.20.1000.

Imports charged to these category limits for the period January 1, 1989 through December 31, 1989 shall be charged against the levels of restraint to the extent of any unfilled balances. In the event the limits established during that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The levels set forth above are subject to adjustment in the future according to the provisions of the current bilateral agreement

between the Governments of the United States and India.

The conversion factor for Categories 338/339/340 is 18.2.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 89-30051 Filed 12-27-89; 8:45 am]

BILLING CODE 3510-DR-M

Establishment of an Imported Limit for Certain Cotton Textile Products Produced or Manufactured in Nepal

December 20, 1989.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing a limit.

EFFECTIVE DATE: December 28, 1989.

FOR FURTHER INFORMATION CONTACT: Jennifer Tallarico, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, call (202) 377-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

During recent negotiations held between the Governments of the United States and Nepal, agreement was reached, effected by a Memorandum of Understanding dated October 25, 1989, to extend and amend their current bilateral textile agreement through December 31, 1993.

The amended agreement establishes a new specific limit for cotton textile products in Categories 347/348. The Government of the United States has decided to control imports in Categories 347/348 for the first agreement period which began on September 1, 1989 and extends through December 31, 1989.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION:** Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 53 FR 44937, published on November 7, 1988). Also

see 54 FR 21269, published on May 17, 1989.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 20, 1989.

Commissioner of the Customs,
Department of the Treasury, Washington, DC 20229

Dear Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Memorandum of Understanding dated October 25, 1989; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on December 28, 1989, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 347/348, produced or manufactured in Nepal and exported during the four-month period which began on September 1, 1989 and extends through December 31, 1989, in excess of 150,333 dozen.¹

Textile products in Categories 347/348 which have been exported to the United States prior to September 1, 1989 shall not be subject to this directive.

Textile products in Categories 347/348 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) of 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The level set forth above is subject to adjustment in the future according to the provisions of the current bilateral agreement between the Governments of the United States and Nepal.

You are directed to charge the following amounts to the limit established in this directive for Categories 347/348. These charges are for goods imported during the period September 1-30, 1989.

Category	Amount to be charged
347.....	388
348.....	2,362

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

¹ The limit has not been adjusted to account for any imports exported after August 31, 1989.

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 89-30054 Filed 12-27-89; 8:45 am]

BILLING CODE 3501-DR-M

Announcement of Import Limits for Certain Cotton Textile Products Produced or Manufactured in Nepal

December 21, 1989.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits for the new agreement year.

EFFECTIVE DATE: January 1, 1990.

FOR FURTHER INFORMATION CONTACT:

Jennifer Tallarico, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For further information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566-5810. For information on embargoes and quota re-openings, call (202) 377-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; Sec. 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The Bilateral Cotton Textile Agreement, effected by exchange of notes dated May 30 and June 1, 1986, as amended and extended by a Memorandum of Understanding (MOU) dated October 25, 1989, establishes limits for the 1990 agreement year.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION:** Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 53 FR 44937, published on November 7, 1988).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement and the MOU dated October 25, 1989, but are designed to assist only in the implementation of certain of their provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 21, 1989.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Bilateral Cotton Textile Agreement, effected by exchange of notes dated May 30 and June 1, 1986, and a Memorandum of Understanding dated October 25, 1989, between the Governments of the United States and Nepal; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1990, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in the following categories, produced or manufactured in Nepal and exported during the twelve-month period beginning on January 1, 1990 and extending through December 31, 1990, in excess of the following restraint limits:

Category	Twelve-month restraint limit
340.....	227,246 dozen.
341.....	757,487 dozen.
342.....	126,248 dozen.
347/348.....	478,060 dozen.

Imports charged to these category limits for the periods January 1, 1989 through December 31, 1989 and September 1, 1989 through December 31, 1989 shall be charged against the levels of restraint to the extent of any unfilled balances. In the event the limits established for those periods have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The limits set forth above are subject to adjustment in the future according to the provisions of the current bilateral agreement, as amended and extended, between the Governments of the United States and Nepal.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 89-30055 Filed 12-27-89; 8:45 am]

BILLING CODE 3510-DR-M

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Singapore

December 21, 1989.

AGENCY: Committee for the

Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: December 29, 1989.

FOR FURTHER INFORMATION CONTACT:

Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 535-6736. For information on embargoes and quota re-openings, call (202) 377-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limit for Category 237 is being adjusted to cancel a previous reduction for swing applied to Category 639. Instead, Category 645/646 is being reduced by the same quantity.

Pursuant to a recent amendment to the current bilateral agreement between the Governments of the United States and Singapore, all previous adjustments made to the 1989 Group II limit are being cancelled.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION:** Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 53 FR 44937, published on November 7, 1988). Also see 53 FR 50440, published on December 15, 1988.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 21, 1989.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 12, 1988 by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports

of certain cotton, wool and man-made fiber textile products, produced or manufactured in Singapore and exported during the period which began on January 1, 1989 and extends through December 31, 1989.

Effective on December 29, 1989 the directive of December 12, 1988 is being amended further to adjust the current limits for the following categories:

Category,	Adjusted twelve-month limit ¹
Level in group I	
645/646.....	124,415 dozen.
Group II	
200-229, 237, 300/ 301, 313-330, 332, 333/633, 336, 345, 349, 350, 351/651, 352/652, 353/354/ 653/654, 359-369, 400-434, 436, 438, 439, 440-444, 445/ 446, 447, 448, 459- 469, 600-603, 606, 607, 611-630, 632, 636, 642-644, 649, 650, 659-S*, 659- V*, 659-O* and 665-670, as a group.	38,461,859 square meters equivalent.
Sublevel in Group II	
237.....	106,404 dozen.

¹ The limits have not been adjusted to account for any imports exported after December 31, 1988.

² In Category 659-S only HTS numbers 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020.

³ In Category 659-V, only HTS numbers 6110.30.1030, 6110.30.1040, 6110.30.2030, 6110.30.2040, 6110.30.3030, 6110.30.3035, 6110.90.0052, 6110.90.0054, 6201.93.2020, 6202.93.2020, 6211.33.0050 and 6211.43.0080.

⁴ In Category 659-O, all HTS numbers except 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020 in Category 659-S; and 6110.30.1030, 6110.30.1040, 6110.30.2030, 6110.30.2040, 6110.30.3030, 6110.30.3035, 6110.90.0052, 6110.90.0054, 6201.93.2020, 6202.93.2020, 6211.33.0050 and 6211.43.0080 in Category 659-V.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 89-30052 Filed 12-27-89; 8:45 am]

BILLING CODE 3510-DR-M

Announcement of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Taiwan

December 20, 1989.

AGENCY: Committee for the

Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits for the new agreement year.

EFFECTIVE DATE: January 1, 1990.

FOR FURTHER INFORMATION CONTACT: Jennifer Tallarico, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566-8791. For information on embargoes and quota re-openings, call (202) 377-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

During recent negotiations between the American Institute in Taiwan (AIT) and the Coordination Council for North American Affairs (CCNAA), agreement was reached, effected by a Memorandum of Understanding (MOU) dated December 1, 1989, to establish a new bilateral textile agreement for six one-year periods beginning on January 1, 1990 and extending through December 31, 1995.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States** (see **Federal Register** notice 54 FR 50797, published on December 11, 1989).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the MOU, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 20, 1989.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Memorandum of Understanding dated December 1, 1989, concerning cotton, wool, man-made fiber, silk blend and other

vegetable fiber textiles and textile products from Taiwan; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1990, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in Taiwan and exported during the twelve-month period which begins on January 1, 1990 and extends through December 31, 1990, in excess of the following restraint limits:

Category	Twelve-month restraint limit
Group I	
200-224, 225/317/ 326, 226, 227, 229, 300/301/ 607, 313-315, 360-363, 369-L/ 670-L/870 ¹ , 369-S*, 369-O*, 400-414, 464- 469, 600-606, 611, 613/614/ 615/617, 618, 619/620, 621- 624, 625/626/ 627/628/629, 665, 666, 669-P*, 669-T*, 669-O*, 670-H ² and 670- O*, as a group.	531,939,631 square meters equivalent.
Sublevels within Group I	
200.....	560,429 kilograms.
218.....	17,344,350 square meters.
219.....	12,754,806 square meters.
225/317/326.....	30,786,176 square meters.
226.....	5,586,708 square meters.
300/301/607.....	1,500,000 kilograms of which not more than 1,250,000 kilograms each shall be in Categories 300, 301 and 607.
313.....	60,942,149 square meters.
314.....	22,719,691 square meters.
315.....	17,409,072 square meters.
361.....	1,125,779 numbers.
363.....	11,612,973 numbers.
369-L/670-L/870.....	41,000,000 kilograms.
369-S.....	463,876 kilograms.
604.....	200,167 kilograms.
611.....	2,500,000 square meters.
613/614/615/617.....	15,504,754 square meters.
619/620.....	8,945,036 square meters.
625/626/627/628/ 629.....	14,829,192 square meters.
669-P.....	269,590 kilograms.
669-T.....	876,222 kilograms.
670-H.....	15,700,000 kilograms.

Category	Twelve-month restraint limit
Group II	
237, 239, 330-332, 333/334/335, 336, 338/339, 340-345, 347/348, 349, 350/351, 352/353, 354, 359-C/659-C ⁹ , 359-H/659-H ¹⁰ , 359-O ¹¹ , 431-444, 445/446, 447/448, 459, 630-632, 633/634/635, 636, 638/639, 640, 641-644, 645/646, 647/648, 649, 651, 653, 654, 659-S ¹² , 659-O ¹³ , 831-844 and 846-859, as a group.	791,383,399 square meters equivalent.
Sublevels within Group II	
237	547,545 dozen.
239	5,000,000 kilograms.
331	487,376 dozen pairs.
333/334/335	240,000 dozen of which not more than 130,000 dozen shall be in Category 335.
336	93,287 dozen.
338/339	695,275 dozen.
340	1,110,000 dozen.
341	325,000 dozen.
342	203,029 dozen.
345	97,473 dozen.
347/348	1,059,633 dozen.
350/650	125,000 dozen.
351	337,772 dozen.
352/652	2,474,982 dozen.
359-C/659-C	1,440,000 kilograms.
359-H/659-H	4,607,852 kilograms.
433	13,935 dozen.
434	9,674 dozen.
435	22,976 dozen.
436	4,573 dozen.
438	25,821 dozen.
440	5,000 dozen.
442	43,347 dozen.
443	39,014 numbers.
444	55,563 numbers.
445/446	130,124 dozen.
447/448	19,042 dozen.
631	4,154,629 dozen pairs.
633/634/635	1,634,440 dozen of which not more than 959,317 dozen shall be in Categories 633/634 and not more than 850,077 dozen shall be in Category 635.
636	350,862 dozen.
638/639	6,592,119 dozen.
640	2,196,291 dozen of which not more than 1,361,080 dozen shall be in Category 640-Y. ¹⁴
641	724,533 dozen of which not more than 253,586 dozen shall be in Category 641-Y. ¹⁵
642	776,357 dozen.
643	464,282 numbers.
644	594,004 numbers.
645/646	4,087,255 dozen.
647/648	5,707,874 dozen.
651	423,590 dozen.
659-S	1,778,232 kilograms.

Category	Twelve-month restraint limit
Group III	
845	844,434 dozen.
¹ Category 870; in Category 369-L, only HTS numbers 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.92.1500, 4202.92.3015 and 4202.92.6000; in Category 670-L, only HTS numbers 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3030 and 4202.92.9020.	
² In Category 369-S, only HTS number 6307.10.2005.	
³ In Category 369-O, all HTS numbers except 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.92.1500, 4202.92.3015 and 4202.92.6000 in Category 369-L; and 6307.10.2005 in Category 369-S.	
⁴ In Category 669-P, only HTS numbers 6305.31.0010, 6305.31.0020 and 6305.39.0000.	
⁵ In Category 669-T, only HTS numbers 6306.12.0000, 6306.19.0010 and 6306.22.9000.	
⁶ In Category 669-Q, all HTS numbers except 6305.31.0010, 6305.31.0020 and 6305.39.0000 in Category 669-P; and 6306.12.0000, 6306.19.0010 and 6306.22.9000 in Category 669-T.	
⁷ In Category 670-H, only HTS numbers 4202.22.4030 and 4202.22.8050.	
⁸ In Category 670-O, all HTS numbers except 4202.22.4030 and 4202.22.8050 in Category 670-H; and 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3030 and 4202.92.9020 in Category 670-L.	
⁹ In Categories 359-C/659-C, only HTS numbers 6103.42.2025, 6103.49.3034, 6104.62.1020, 6104.69.3010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010 in Category 359-C; and 6103.23.0055, 6103.43.2020, 6103.49.2000, 6103.49.3038, 6104.63.1020, 6104.69.1000, 6104.69.3014, 6114.30.3040, 6114.30.3050, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.4015, 6211.33.0010, 6211.33.0017 and 6211.43.0010 in Category 659-C.	
¹⁰ In Categories 359-H/659-H, only HTS numbers 6505.90.1530 and 6505.90.2060 in Category 359-H; and 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5060, 6505.90.6080, 6505.90.7060 and 6505.90.8060 in Category 659-H.	
¹¹ In Category 359-O, all HTS numbers except 6103.42.2025, 6103.49.3034, 6104.62.1020, 6104.69.3010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010 in Category 359-C; and 6505.90.1530 and 6505.90.2060 in Category 359-H.	
¹² In Category 659-S, only HTS numbers 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020.	
¹³ In Category 659-O, all HTS numbers except 6103.23.0055, 6103.43.2020, 6103.49.2000, 6103.49.3038, 6104.63.1020, 6104.69.1000, 6104.69.3014, 6114.30.3040, 6114.30.3050, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.4015, 6211.33.0010, 6211.33.0017 and 6211.43.0010 in Category 659-C; and 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5060, 6505.90.6080, 6505.90.7060 and 6505.90.8060 in Category 659-H; and 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020 in Category 659-S.	
¹⁴ In Category 640-Y, only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2050 and 6205.30.2080.	
¹⁵ In Category 641-Y, only HTS numbers 6204.23.0050, 6204.29.2030, 6206.40.3010 and 6206.40.3025.	
Imports charged to these category limits for the period January 1, 1989 through December 31, 1989 shall be charged against the levels of restraint to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.	
The conversion factors are as follows:	

Category	Conversion factor
300/301/607	6.5
333/334/335	33.75
352/652	11.3
359-C/659-C	10.1
359-H/659-H	11.5
369-L/670-L/870	3.8
633/634/635	34.1
638/639	12.5

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,
Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 89-30050 Filed 12-27-89; 8:45 am]

BILLING CODE 3510-DR-M

Announcement of a Request for Bilateral Textile Consultations With the Government of the Republic of Turkey

December 20, 1989.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Notice.

FOR FURTHER INFORMATION CONTACT:

Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on categories on which consultations have been requested, call (202) 377-3740.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

On November 29, 1989, under the terms of Article 3 of the MFA, the Government of the United States requested consultations with the Government of the Republic of Turkey regarding cotton and man-made fiber nightwear and gowns in Categories 351/651, produced or manufactured in Turkey.

The purpose of this notice is to advise the public that, if no solution is agreed upon in consultations with the Government of the Republic of Turkey, the Committee for the Implementation of Textile Agreements may later establish limits for the entry and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in

Categories 351/651, produce or manufactured in Turkey and exported during the twelve-month period which began on November 29, 1989 and extends through November 28, 1990 at the level of 125,544 dozen.

A summary market statement concerning these categories follows this notice.

Anyone wishing to comment or provide data or information regarding the treatment of Categories 351/651, or to comment on domestic production or availability of products included in the categories, is invited to submit 10 copies of such comments or information to Auggie D. Tantillo, Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce, Washington, DC 20230.

Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room H3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Further comments may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

The United States remains committed to finding a solution concerning Categories 351/651. Should such a solution be reached in consultations with the Government of the Republic of Turkey, further notice will be published in the *Federal Register*.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see *Federal Register* notice 53 FR 44937, published on November 7, 1988).

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements

Turkey
November 1989

Market Statement—Pajamas and Other Nightwear—Category 351/651

Import situation and conclusion

U.S. imports of pajamas and other nightwear (Category 351/651) from Turkey reached 133,725 dozen during the year ending September 1989, more than 5 times the 26,177 dozen imported a year earlier. During the first nine months of 1989, imports of pajamas and other nightwear (Category 351/651) from Turkey reached 120,191 dozen, over 5 times the amount imported in the first nine months of 1988 and more than triple the total amount imported in calendar year 1988. Imports from Turkey were 12,537 dozen in 1987 and 36,660 dozen in 1988.

The sharp and substantial increase in Category 351/651 imports from Turkey is causing disruption in the U.S. market for pajamas and other nightwear.

U.S. production and market share

U.S. production of pajamas and other nightwear declined from 19,244,000 dozen in 1987 to 18,453,000 dozen in 1988, a decline of 4 percent. During the first six months of 1989, production of pajamas and other nightwear dropped to 7,863,000 dozen, 17 percent below the 9,521,000 dozen produced in the same period of 1988. The domestic manufacturers' share of the pajamas and other nightwear market dropped from 78 percent in 1987 to 76 percent in 1988. The domestic manufacturers' share dropped to 73 percent during the first six months of 1989.

U.S. imports and import penetration

U.S. imports of pajamas and other nightwear (Category 351/651) increased eight percent in 1988, increasing from 5,360,000 dozen in 1987 to 5,770,000 dozen in 1988. Imports accelerated in 1989, increasing 20 percent in the first nine months of 1989 over the same period in 1988. The ratio of imports to domestic production increased 3 percentage points in 1988, increasing from 28 percent in 1987 to 31 percent in 1988. The ratio increased another five percentage points in the first half of 1989, reaching 36 percent.

Duty-paid value and U.S. producers' price

Approximately 85 percent of Category 351/651 imports from Turkey during the first nine months of 1989 entered under HTSUSA number 6108.31.0010—women's cotton knit nightdresses and pajamas. These garments entered the U.S. at landed duty-paid values below

U.S. producers' prices for comparable garments.

[FR Doc. 89-30053 Filed 12-27-89; 8:45 am]

BILLING CODE 3510-DR-M

COMMODITY FUTURES TRADING COMMISSION

Proposed Amendments Relating to Stock Index Contracts

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of Proposed Contract Market Rule Changes.

SUMMARY: The Chicago Board of Trade ("CBT"), Chicago Mercantile Exchange ("CME"), Kansas City Board of Trade ("KCBT"), and New York Futures Exchange ("NYFE") have submitted for those exchanges' stock index futures and option contracts proposed rule amendments relating to modifications to the exchanges' existing circuit breakers, which include price limit and trading halt provisions. The proposals would adopt, for each affected stock index contract, a new interim price decline limit which would remain in effect for one hour after the relevant market is offered at that limit. The proposals also would reduce the current maximum daily price limits, which are applicable to futures price increases and declines. In accordance with section 5a(12) of the Commodity Exchange Act and acting pursuant to the authority delegated by Commodity Futures Trading Commission ("Commission") Regulation 140.96, the Director of the Division of Economic Analysis ("Division"), on behalf of the Commission, has determined that the proposals are of major economic significance. On behalf of the Commission, the Division is requesting comment on these proposals.

DATE: Comments must be received on or before January 19, 1990.

ADDRESS: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Reference should be made to the amendments to circuit breaker provisions of the stock index futures and option contracts.

FOR FURTHER INFORMATION: Contact Stephen Sherrod, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, (202) 254-7227.

SUPPLEMENTARY INFORMATION: The Interim Report of the Working Group on Financial Markets dated May 1988

recommended that coordinated trading halts and reopenings be adopted by all domestic markets for equity and equity-related products as a means of dealing with large, rapid market declines that threaten to create panic conditions.¹ In broad outline, the Working Group recommended (1) that stock index futures markets set downward price limits at levels comparable to a 250-point Dow Jones Industrial Average (DJIA) decline below its previous day's closing value, (2) that broad-based stock index options markets establish either comparable price limits or procedures under which all trading in the index options will cease at levels comparable to a 250-point DJIA decline, and (3) that all U.S. markets for equity and equity-related products halt trading for one hour if the DJIA declines 250-points from its previous day's closing level. Under the Working Group's recommendations, after reopening from such a trading halt, similar price limit, halt, and reopening procedures would be used for DJIA declines of 400 points below its previous day's closing level, except that the halt would last two hours instead of one.

In October 1988, the Commission approved price limit and trading halt proposals (*i.e.*, circuit breakers) submitted by the CBT, CME, KCBT, and NYFE ("the Exchanges") in direct response to the recommendations of the Working Group. Coordinated provisions also in direct response to the recommendations of the Working Group

were approved by the Securities and Exchange Commission (SEC) for the equity and equity-related markets under the SEC's jurisdiction.

The price limit, halt, and reopening proposals approved by the Commission for the CBT included provisions for intermediate price decline limits at levels generally comparable to a 250-point DJIA decline and for halting futures trading for one hour if there is a 250-point decline in the DJIA relative to the prior day's closing value. Such a 250-point DJIA decline triggers a one-hour trading halt on the New York Stock Exchange ("NYSE"). Further, at a reopening after a trading halt, the CBT's rules provide for an expanded downward price limit at levels comparable to a 400-point DJIA decline and two-hour suspension of trading if there is a 400-point decline in the DJIA. Such a 400-point DJIA decline also triggers a two-hour trading halt on the NYSE. Virtually identical proposals were approved by the Commission for the NYSE stock index futures and option contracts, providing for price limits, halts, and reopenings under the conditions noted above. Similar price limits, halts, and reopenings were approved by the Commission for the CME, except that trading halts go into effect only if the New York Stock Exchange closes for one hour under the above conditions and the futures market is limit offered at an intermediate price decline limit of 30 points in the Standard

and Poor's 500 Stock Price Index (S&P), which is generally comparable to a 250-point decline in the DJIA, or if the NYSE closes for two hours and the futures market is limit offered at an expanded price decline limit of 50 points in the S&P, which is generally comparable to a 400-point movement in the DJIA. For the KCBT, the Commission approved price limit, halt, and reopening procedures patterned after those of the CME, with the one-hour and two-hour halts being triggered by futures price declines of 30 points in the Value Line Stock Index Average (VLA) and 50 VLA points, respectively, as well as the closing of the NYSE.²

On each of the four futures exchanges, the intermediate futures price decline limit is expanded in the event of a one-hour trading halt. The expanded price decline limits on each of the four futures exchanges are at the same levels as the overall daily price limits.

In addition to the circuit breaker provisions noted above, the Commission also has approved for the CME, NYFE, and CBT "initial price decline" limits which are at index levels generally comparable to a 100-point movement in the DJIA.³ These initial price decline limits apply for thirty minutes from the time the market is limit offered.

The Exchanges have proposed interim price decline limits and new overall daily price limits, in index points for the index underlying each respective futures market, as summarized below:

Exchange	Affected futures market	Existing initial limit	Proposed interim limit	Existing intermediate limit	Proposed (existing) overall daily price limit
CME	S&P 500	12	20	30	30 (50)
CBT	MMI (Maxi)	20	30	50	50 (80)
	CBOE 50	12	20	30	30 (50)
	CBOE 250	12	20	30	30 (50)
KCBT	VLA	NA	20	30	30 (50)
	Mini VLA	NA	20	30	30 (50)
NYFE	NYSE Composite	7	12	18	18 (28)

With the proposed amendments, the Exchanges intend to establish for each affected contract new "interim price decline limits" at levels that are 60 to 66 percent of the existing intermediate price decline limits. For each affected market, the newly proposed interim

price decline limits would be in effect for one hour from the time the market is limit offered, unless the limit goes into effect after 1:30 p.m. Chicago time, 2:30 p.m. New York time, in which case the limit shall apply for the remainder of the day. The Exchanges also have proposed

to reduce the existing overall daily price limits, which are applicable to both price increases and declines, to the same levels as the existing intermediate price decline limits.

Each of the Exchanges has proposed to make the amendments effective for

¹ On March 18, 1988, the Working Group on Financial Markets was established by Executive Order to provide a coordinating framework for consideration, resolution, recommendation, and action on the complex issues raised by the stock market break in October of 1987. The Working Group was charged with developing effective mechanisms to enhance investor confidence, to protect the quality and fairness of markets for all

participants, and to preserve the continued orderliness, integrity, competitiveness, and efficiency of our nation's financial markets.

² Although, as noted above, the CBT and NYFE also have intermediate price decline limits generally comparable to a 250-point movement in the DJIA and expanded price decline limits generally comparable to a 400-point movement in the DJIA, trading halts in the CBT and NYFE contracts are

triggered only on the basis of declines in the DJIA and the closing of the NYSE, respectively.

³ The initial price decline limits for the CME and NYFE were approved by the Commission at the same time that the aforementioned circuit breakers were approved. The CBT's initial price decline limit was approved by the Commission after the close of the market on October 13, 1989 and implemented by the CBT on October 16, 1989.

newly listed and existing contracts at the time of Commission approval.⁴ The current proposals do not affect the existing initial price decline limits of the CME, NYFE, and CBT contracts or the trading halt provisions of the Exchanges' contracts, except that the two-hour trading halts of the CME and the KCBT would be triggered by offers in the futures market at the new daily price limits in combination with a two-hour trading halt at the NYSE.

In support of the proposed new interim price decline limits, the Exchanges generally noted that experience indicates that futures markets may move more quickly than the underlying securities markets. Therefore, according to the CME, circuit breakers that are coordinated only with respect to stock price index levels remain uncoordinated with respect to the speed of movement toward those levels. It was further noted that the additional interim price decline limits will serve to substantially improve the coordination of the futures and securities markets for market moves between the initial price decline limits of the CME, the NYFE, and the CBT and the limits generally comparable to a 250-point movement in the DJIA.

With respect to the proposed overall daily price limits, the CME noted that, since the original proposal for coordinated circuit breakers, there have been discussions with market experts concerning large daily moves in the market. The Exchanges generally concluded that, prior to trading at levels below the levels currently established as the intermediate price decline levels, an overnight "cooling off" period is warranted.

The Commission is requesting comment on the proposed changes to the circuit breaker provisions of the Exchanges.

Copies of each of the proposed amendments to the Exchanges' price limit and trading halt rules will be available for inspection at the Office of the Secretariat, Commodity Futures

Trading Commission, 2033 K Street, NW., Washington, DC 20581. Copies of the Exchanges' proposed price limit and trading halt rules can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

The materials submitted by the CBT, CME, KCBT, and NYFE in support of the proposed amendments may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR part 145 (1987)). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments should send comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC, by the specified date.

Issued in Washington, DC, on December 21, 1989.

Steven Manaster,

Director, Division of Economic Analysis.

[FR Doc. 89-30083 Filed 12-27-89; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Review of the B-2

ACTION: Cancellation of meeting.

SUMMARY: The meeting notice for the Defense Science Board Task Force on Review of the B-2 scheduled for January 18, 1990 as published in the Federal Register (Vol. 54, No. 194, Page 41495, Tuesday, October 10, 1989, FR Doc. 89-23748) has been cancelled.

Dated: December 22, 1989.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 89-30144 Filed 12-27-89; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Strategic Sensors

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board Task Force on Strategic Sensors will meet in closed session on January 4-5 and February 1-2, 1990 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science

Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will investigate technologies that are capable of improving strategic surveillance sensor performance.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law No. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that these DSB Task Force meetings, concern matters listed in 5 U.S.C. 552(b)(3)(1) (1982), and that accordingly these matters will be closed to the public.

Dated: December 22, 1989.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 89-30145 Filed 12-27-89; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Acquisition Streamlining

ACTION: Notice of advisory committee meeting.

SUMMARY: The Defense Science Board Task Force on Acquisition Streamlining will meet in open session on January 24-25, 1990 at the Airlie House Conference Center, Warrenton, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will focus on establishing the boundaries of the "system" within which it believes process change will be most beneficial.

Persons interested in further information regarding this meeting should call LCDR Stephen Wiley at (202) 695-4157.

Dated: December 22, 1989.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 89-30146 Filed 12-27-89; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Follow on Forces Attack (FOFA)

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board Task Force on Follow on Forces Attack

⁴ In addition to these proposals, the CME also is proposing to modify the S&P 500 opening price limit procedures for the futures contract to provide that the existing 5.00 index point opening limit (above and below the previous day's settlement price) continuously be in effect for the first 10 minutes of trading rather than only during the opening range with an extension under certain circumstances.

⁵ With respect to the S&P 500 option, the CME is proposing to require that trading in the option be suspended when the S&P 500 futures contract is limit bid or offered at the proposed 20-point intermediate price limit. The CME also proposes to clarify the language of the existing provisions that require no trading in any S&P 500 option when the S&P 500 futures contract is limit bid or offered at the applicable opening price limit or daily price limit. Under the proposal the applicable price limits would be at 5 points, 12 points, 20 points, and 30 points.

(FOIA) will meet in closed session on January 30, 1990 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will continue to review, in detail, classified material associated with conventional military capabilities in NATO to include special targeting requirements.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law No. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Task Force meeting, concerns matters listed in 5 U.S.C. 552b(c) (1) (1982), and that accordingly these matters will be closed to the public.

Dated: December 22, 1989.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 89-30147 Filed 12-27-89; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

December 19, 1989.

The USAF Scientific Advisory Board Ad Hoc Committee on Space Power Technology will meet on 23-24 Jan 90 from 8:00 a.m. to 5:00 p.m. at the Pentagon, Washington, DC 20330-5430.

The purpose of this meeting will be to review Air Force, DOE, SDIO, DARPA, NASA and related industry IR&D space power technology development efforts and to recommend the direction(s) of Air Force investment in this technology area. This meeting will involve discussions of classified defense matters listed in section 552b(c) of title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-8404.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 89-30017 Filed 12-27-89; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

December 19, 1989.

The USAF Scientific Advisory Board

Ad Hoc Committee on Post Deployment Software Support will meet on 1-2 Feb 90 from 8:00 a.m. to 5:00 p.m. at the Pentagon, Washington, DC 20330-5430.

The purpose of this meeting will be to review Air Force post deployment software support capabilities and to recommend potential improvements in such areas as: requirements model(s); software testing process(es); software support environment(s) for highly integrated, highly distributed systems; evaluation metric(s) for software design options; and tailorable requirements baseline(s) for documentation. This meeting will involve discussions of classified defense matters listed in section 552b(c) of title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-8404.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 89-30059 Filed 12-27-89; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army, Corps of Engineers

National Water Management During Drought Study

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice, National Water Management During Drought Study.

SUMMARY: The U.S. Army Corps of Engineers is conducting the National Water Management During Drought Study. The study is in response to the drought of 1988. The purpose of the study is to identify opportunities for improving the nation's management of water during drought. The Corps of Engineers will work closely with other Federal and non-Federal agencies and organizations to ensure the study results incorporate views of the entire water resources community.

FOR FURTHER INFORMATION CONTACT: Bill Werick, Study Manager, Institute for Water Resources, Corps of Engineers Water Resources, Corps of Engineers Water Resources Support Center, Fort Belvoir, VA 22060-5586. Telephone (202) 355-3055.

Kenneth L. Denton,

Alternate Army Liaison Officer With the Federal Register.

[FR Doc. 89-30060 Filed 12-27-89; 8:45 am]

BILLING CODE 3710-08-M

Defense Communications Agency

Scientific Advisory Group (SAG); Closed Meeting

The DCA Scientific Advisory Group will hold a closed meeting on January 29-30, 1990 at the Center for Naval Analysis Building, 4401 Ford Avenue, Alexandria, Virginia 22302.

The purpose of the meeting is to address 21st century technology and management planning issues relating to DoD's information systems and DCA's roles and missions.

Any persons desiring information about the Advisory Group may telephone, 202-746-3643, or write Associate Director for Engineering and Technology, Defense Communications Agency, 8th Street and South Courthouse Road, Arlington, Virginia 22204.

This is a closed meeting due to the discussion of classified material which requires protection in the interest of National Defense. (5 U.S.C. 552(c)(1)).

Gordon W. Arbogast,

Colonel, USA, Executive Secretary, Scientific Advisory Group.

[FR Doc. 89-30058 Filed 12-27-89; 8:45 am]

BILLING CODE 3610-05-M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Office of Information Resources Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before January 29, 1990.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Jim Houser, Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., Room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to George P. Sotos, Department of Education, 400 Maryland Avenue, SW., Room 5624, Regional Office Building 3, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT:

George P. Sotos (202) 732-2174.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Director, Office of Information Resources Management, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from George Sotos at the address specified above.

Dated: December 19, 1989.

Carlos Rice,

Director for Office of Information Resources Management.

Office of Special Education and Rehabilitative Services

Type of Review: Revision

Title: Application—Handicapped Infants and Toddlers Program, Under Part H of the Education of the Handicapped Act

Frequency: Annually

Affected Public: State or local governments

Reporting Burden:

Responses: 57 Burden Hours: 855

Recordkeeping Burden:

Recordkeepers: 0 Burden Hours: 0

Abstract: States are required to submit an application for funds authorized under Part H of the Education of the Handicapped Act. Funds will be used by States to plan, develop, and implement the statewide comprehensive system of early intervention services for infants and toddlers with handicaps and their families.

Office of Educational Research and Improvement

Type of Review: Revision

Title: 1990 National Postsecondary Student Aid Study

Frequency: Triennial

Affected Public: Individuals or households; Non-profit institutions; Small businesses or organizations

Reporting Burden:

Responses: 23,375 Burden Hours: 9,740

Recordkeeping Burden:

Recordkeepers: 0 Burden Hours: 0

Abstract: This study will collect data from a sample of students in postsecondary institutions, their parents and their school financial aid records. It will provide a student-based information system for student financial aid. It will assess the distribution and use of financial aid and address important issues in this area.

Office of Postsecondary Education

Type of Review: Revision

Title: Application for Grants Under the School, College, and University Partnerships Program

Frequency: Annually

Affected Public: State or local governments; Non-profit institutions

Reporting Burden:

Responses: 105 Burden Hours: 2100

Recordkeeping Burden:

Recordkeepers: 0 Burden Hours: 0

Abstract: This application form is needed to collect the necessary information for non-competing continuations in FY 1990 and subsequent years and to conduct a competition for new grants in FY 1991.

[FR Doc. 89-30040 Filed 12-27-89; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP90-410-000, et al.]

Panhandle Eastern Pipe Line Company, et al.; Natural Gas Certificate Filings

December 20, 1990.

Take notice that the following filings have been made with the Commission:

1. Panhandle Eastern Pipe Line Co.

[Docket No. CP90-410-000]

Take notice that on December 18, 1989, Panhandle Eastern Pipeline Company (Panhandle), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP90-410-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas for Manville Sales Corporation (Manville), a shipper and an end-user of natural gas, pursuant to

Panhandle's blanket certificate issues in Docket No. CP88-585-000 and section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open for public inspection.

Specifically, Panhandle requests authority to transport up to 3,000 DT per day on a firm basis on behalf of Manville pursuant to a transportation agreement dated November 1, 1989, between Panhandle and Manville. It is stated that the agreement provides for Panhandle to receive gas from a point of receipt located in Haven Pool, Reno County, Kansas. Panhandle would then transport and redeliver subject gas, less fuel used and unaccounted for line loss, to various points in Ohio, it is stated. It is further stated that the estimated annual quantities would be 3,000 Dt and 1,095,000 Dt, respectively. Panhandle states that service under § 274.223(a) commenced on November 1, 1989, as reported in Docket No. ST90-564.

Comment date: February 5, 1990, in accordance with Standard Paragraph G at the end of this notice.

2. United Gas Pipe Line Co.

[Docket No. CP90-380-000]

Take notice that on December 13, 1989, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP90-380-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to provide an interruptible transportation service on behalf of Midcon Marketing Corp. (MIDCON), a marketer of natural gas, under its blanket certificate issued in Docket No. CP88-6-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

United states that it proposes to transport natural gas from points of receipt located in Terebonne and Vermillion Parish, Louisiana, and offshore Louisiana, to points of delivery located in St. Mary and Terrebonne Parish, Louisiana, and Hancock County, Mississippi, Alabama and Florida.

United Further states that the maximum daily, average and annual quantities that it would transport for MIDCON would be 30,900 MMBtu equivalent, 30,900 MMBtu equivalent and 11,278,500 MMBtu equivalent of natural gas, respectively.

United indicates that in Docket No. ST90-951, filed with the Commission on December 8, 1989, it reported that transportation service for Seagull began on November 6, 1989, under the 120-day

automatic authorization provisions of § 284.223(a).

Comment date: February 5, 1990, in accordance with Standard Paragraph G at the end of this notice.

3. Transcontinental Gas Pipe Line Corp.; Northern Natural Gas Co., Division of Enron Corp.

[Docket No. CP81-75-009]

Take notice that on December 1, 1989, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, and Northern Natural Gas Company, Division of Enron Corp. (Northern), P.O. Box 1188, Houston, Texas 77251, filed in Docket No. CP81-75-009 a petition to amend pursuant to section 7(b) of the Natural Gas Act for permission and approval to partially abandon the service it was authorized to provide by order issued September 30, 1981, in Docket No. CP81-75-000. It stated said service was performed pursuant to an August 28, 1980, Exchange Agreement, all as more fully set forth in the request on file with the Commission and open to public inspection.

Transco and Northern state that they are parties to an Amendment dated November 7, 1989, wherein it has been agreed to amend the abovementioned Exchange Agreement. It is stated that the Amendment would: (a) Partially abandon service by decreasing the firm exchange quantity from 50,000 Mcf per day to 35,000 Mcf per day; (b) add various new sources of Northern's gas from Galveston High Island and west Cameron Areas to the Exchange Agreement, and (c) add the weld or flange connecting Transco's Southwest Louisiana Gathering System to the tailgate of the U-TOS separation plant in Cameron Parish, Louisiana, and any other mutually agreeable points of receipt as additional points of receipt to the Exchange Agreement.

Comment date: January 10, 1990 in accordance with Standard Paragraph F at the end of the notice.

4. Transcontinental Gas Pipe Line Corp.; Northern Natural Gas Co., Division of Enron Corp.

[Docket No. CP90-298-000]

Take notice that on December 1, 1989, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, and Northern Natural Gas Company, Division of Enron Corp. (Northern), P.O. Box 1188, Houston, Texas 77251, filed in Docket No. CP90-298-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a transportation service

between Transco and Northern performed pursuant to authorization received in Docket No. CP79-411, all as more fully set forth in the request on file with the Commission and open to public inspection.

Transco and Northern state that they have agreed to terminate and abandon such transportation service effective January 1, 1990. It is also stated that Transco and Northern have alternate arrangements in effect. Transco and Northern have agreed to add the sources of gas and the points of receipt contained in the Transportation Agreement sought to be abandoned herein to an Exchange Agreement authorized in Docket No. CP81-75-000. An application to amend has been filed at Docket No. CP81-75-009.

Comment date: January 10, 1990, in accordance with Standard F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 89-30035 Filed 12-27-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. 5185-956-005]

Order on Remand Granting Refund of Filing Fees and Notice of Interpretation of Regulation

Issued December 19, 1989.

Before Commissioners: Martin L. Allday, Chairman; Charles A. Trabandt, Elizabeth Anne Moler and Jerry J. Langdon.

Acadian Gas Pipeline System

[Docket Nos. ST85-956-003

ST85-1572-001

ST86-6-001

ST86-1010-000

ST86-1084-000

ST86-1647-000

ST86-1792-000

ST86-2087-000

ST86-2505-000

ST86-430-000

ST87-568-000

ST87-589-000

ST87-1128-000

ST87-1525-000

ST87-1526-000

ST87-1527-000

ST87-1974-000

ST87-2399-000

ST87-3708-000

ST87-3709-000

ST87-3710-000

ST87-3711-000

ST87-3874-000

ST87-4257-000

ST88-585-000

ST88-1440-000

ST88-1441-000]

Gulf South Pipeline Co.

[Docket Nos. ST88-5599-001

ST88-5761-001

ST88-5762-001
ST88-5763-001
ST88-5764-001
ST88-5765-001
ST88-5766-001
ST88-5767-001
ST88-5768-001
ST88-5769-001
ST88-5770-001

On August 3, 1989, the United States Court of Appeals for the Fifth Circuit issued its decision in *Acadian Gas Pipeline System v. FERC*, No. 88-4502 (hereafter *Acadian*), reversing and remanding the Commission's orders issued herein on April 30, 1986 and May 20, 1988, 35 FERC ¶ 61,132; 43 FERC ¶ 61,296. In those orders, the Commission held that *Acadian* was required by section 284.123(b)(2) of the Commission's regulations to file a petition for rate approval and applicable filing fee for each new transportation service rendered pursuant to section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA), including new services provided under rates previously approved by the Commission. In its decision the Court held that where an intrastate pipeline seeks to provide a new transportation service at an existing, approved rate, it is required only to file an initial report pursuant to § 284.126 of the regulations and applicable filing fee rather than a petition for rate approval and related fee. This order implements the Court's decision.¹

The Commission's records indicate that *Acadian* has filed 27 petitions for rate approval since 1985 (Appendix A). Total fees paid amount to \$102,800. Under the decision in *Acadian*, it was required to pay only \$16,800, representing fees for initial reports. In accordance with the Court's decision, the difference, or \$86,000 will be refunded to *Acadian*.

There is also pending before the Commission an appeal by Gulf South Pipeline Company (Gulf South) in Docket Nos. ST88-5599-001, *et al.* protesting assessment by the Director, OPR, of filing fees for 11 petitions for rate approval (Appendix B). Total fees paid of \$21,890, less the fees due for initial reports of \$6,090, results in a refund of filing fees on a case-by-case

¹ With respect to the S&P 500 option, the CME is proposing to require that trading in the option be suspended when the S&P 500 futures contract is limit bid or offered at the proposed 20-point intermediate price limit. The CME also proposes to clarify the language of the existing provisions that require no trading in any S&P 500 option when the S&P 500 futures contract is limit bid or offered at the applicable opening price limit or daily price limit. Under the proposal the applicable price limits would be at 5 points, 12 points, 20 points, and 30 points.

basis, consistent with this order and the decision in *Acadian*.

To implement the *Acadian* decision, the Commission hereby gives notice of its current interpretation of § 284.123(b)(2) of the regulations. Under this regulation petitions for rate approval and applicable filing fees will be required only in the following situations.

1. When an intrastate pipeline * first commences section 311 service;
2. When an intrastate pipeline proposes to increase its existing maximum section 311 rate;
3. When an intrastate pipeline proposes to provide section 311 service for which its existing maximum rate does not apply; or

4. When an intrastate pipeline must refile every third year to comply with the provisions of settlement agreement or with a Commission order requiring justification of its existing maximum section 311 rate.

In order to process filings by intrastate pipelines more efficiently, the Commission is issuing concurrently with this order notice of new docket prefix, designated PR, to be used exclusively for petitions for rate approval filed pursuant to § 284.123(b)(2). This new prefix will be effective as of the date issued.

The Commission orders:

(A) Refunds of filing fees to *Acadian* and Gulf South in accordance with the terms of this order are hereby approved.

(B) The Secretary shall cause this order to be published in the *Federal Register*.

By the Commission.
Lois D. Cashell,
Secretary.

APPENDIX A—ACADIAN GAS PIPELINE SYSTEM

Docket No.	Date Filed	Fee Paid	Fee Re-quired	Re-fund
ST85-956	5/13/85	\$2,800	\$800	\$2,000
ST85-1572	8/21/85	2,800	800	2,000
ST86-6	10/1/85	2,800	800	2,000
ST86-1010	2/24/86	3,200	600	2,600
ST86-1064	3/11/86	3,200	600	2,600
ST86-1647	6/4/86	3,200	600	2,600
ST86-1792	6/18/86	3,200	600	2,600
ST86-2087	7/11/86	3,200	600	2,600
ST86-2505	8/29/86	3,200	600	2,600
ST86-430	8/11/87	3,200	600	2,600
ST87-588	11/21/86	3,200	600	2,600
ST87-589	11/21/86	3,200	600	2,600
ST87-1126	1/22/87	3,200	600	2,600

* Also applies to Hinshaw pipelines and local distribution companies which receive a blanket certificate pursuant to § 284.224 and use a Commission-approved rate under § 284.123(b)(2).

APPENDIX A—ACADIAN GAS PIPELINE SYSTEM—Continued

Docket No.	Date Filed	Fee Paid	Fee Re-quired	Re-fund
ST87-1525	2/24/87	3,200	600	2,600
ST87-1526	2/24/87	3,200	600	2,600
ST87-1527	2/24/87	3,200	600	2,600
ST87-1974	8/11/87	3,200	600	2,600
ST87-2399	11/13/87	5,500	600	4,900
ST87-3708	8/11/87	4,900	600	4,300
ST87-3709	8/11/87	4,900	600	4,300
ST87-3710	8/11/87	4,900	600	4,300
ST87-3711	8/11/87	4,900	600	4,300
ST87-3874	8/25/87	4,900	600	4,300
ST87-4257	9/18/87	4,900	600	4,300
ST88-585	11/5/87	4,900	600	4,300
ST88-1440	12/28/87	4,900	600	4,300
ST88-1441	12/28/87	4,900	600	4,300
		102,800	16,800	86,000

APPENDIX B—GULF SOUTH PIPELINE COMPANY

Docket No.	Date Filed	Fee Paid	Fee Re-quired	Re-fund
ST88-5599	9/7/88	\$1,990	\$1,990	\$0
ST88-5761	1/30/89	1,990	410	1,580
ST88-5762	1/30/89	1,990	410	1,580
ST89-5763	1/30/89	1,990	410	1,580
ST89-5764	1/30/89	1,990	410	1,580
ST89-5765	1/30/89	1,990	410	1,580
ST89-5766	1/30/89	1,990	410	1,580
ST89-5767	1/30/89	1,990	410	1,580
ST89-5768	1/30/89	1,990	410	1,580
ST89-5769	1/30/89	1,990	410	1,580
ST89-5770	1/30/89	1,990	410	1,580
		21,890	6,090	15,800

[FR Doc. 89-30036 Filed 12-27-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP90-57-000]

Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

December 19, 1989.

Take notice that Algonquin Gas Transmission Company ("Algonquin") on December 11, 1989 tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, six (6) copies of the following tariff sheets:

Original Sheet No. 600A
Original Sheet Nos. 668-680
First Revised Sheet No. 584
First Revised Sheet No. 651

Algonquin states that its filing sets forth the terms and conditions pursuant to which Algonquin will make available for use by its customers a computerized electronic communications system (the "TRACTS Service") to facilitate certain transactions with Algonquin. The TRACTS Service terms and conditions are set forth in a proposed new section

38 to the Algonquin FERC Gas Tariff General Terms and Conditions.

Algonquin states that its customers may use the TRACTS Service to request new interruptible transportation service under Rate Schedule AIT-1, amend existing Rate Schedule AIT-1 service agreements, and nominate quantities for delivery by Algonquin pursuant to an existing service agreement under any of Algonquin's sales or transportation rate schedules. The TRACTS Service may also be used to access Algonquin's FERC Order 497 electronic bulletin board, and to receive such other information as Algonquin may from time to time make available through the TRACTS Service. First Revised Sheet No. 584 revises section 4.1 of Algonquin's Rate Schedule AIT-1 to state that a customer under Rate Schedule AIT-1 may use the TRACTS Service to request Rate Schedule AIT-1 interruptible transportation and to amend any effective AIT-1 Service Agreement. First Revised Sheet No. 651 revises Section 30.1 of the Algonquin FERC Gas Tariff General Terms and Conditions to state that a customer may use the TRACTS Service to nominate quantities for delivery by Algonquin pursuant to an effective service agreement.

Algonquin proposes initially to offer the TRACTS Service to its customers on an experimental basis and to retain the right to terminate the TRACTS Service on a nondiscriminatory basis as more clearly set forth in its filing which is available for public inspection at the Commission.

Algonquin is proposing an effective date for the above tariff sheets of January 15, 1990.

Algonquin notes that copies of the filing were served upon Algonquin's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before December 27, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 89-30067 Filed 12-27-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP90-18-001]

ANR Pipeline Co.; Proposed Changes in FERC Gas Tariff

December 19, 1989.

Take notice that ANR Pipeline Company (ANR) on December 11, 1989 tendered for filing as part of its Original Volume No. 1 of its FERC Gas Tariff the following tariff sheets:

Substantive Second Revised Sheet No. 87
Substantive Third Revised Sheet No. 89

ANR states that a Commission Order issued on November 24, 1989 in Docket No. RP90-18-000 ordered ANR to refile tariff sheets to reinstate certain tariff language with respect to the March 31, 1989 sunset date provision of Order No. 500 which ANR deleted from its tariff in response to the United States Court of Appeals remand of Order No. 500.

ANR requested that the Commission accept this filing to become effective as of November 25, 1989. ANR further requested that the following tariff sheets that were originally submitted as part of its October 26, 1989 filing need not be changed to comply with the Commission's November 24, 1989 Order and should not be accepted for filing, effective November 25, 1989:

Volume No. 1

Third Revised Sheet No. 89
Third Revised Sheet No. 90
Second Revised Sheet No. 90A

Any person desiring to protest said filing should file a protest with the Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 385.214). Such protests or motions must be filed by December 27, 1989. Protests will be considered by the Commission in determining appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 89-30068 Filed 12-27-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP87-30-028]

Colorado Interstate Gas Co.; Filing

December 19, 1989.

Take notice that on December 13, 1989, Colorado Interstate Gas Company (CIG) filed Substitute Ninth Revised Sheet No. 187 to its FERC Gas Tariff, Original Volume No. 2, to be effective October 1, 1989.

CIG states that this tariff sheet was inadvertently omitted from CIG's compliance filing of November 14, 1989.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE, Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1989)). All such protests shall be filed on or before December 28, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 89-30069 Filed 12-27-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TM90-2-4-1]

Granite State Gas Transmission, Inc.; Proposed Change in Rates

December 19, 1989.

Take notice that on December 14, 1989, Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021, tendered for filing the revised tariff sheets in its FERC Gas Tariff, First Revised Volume No. 1, listed below containing changes in rates for effectiveness as indicated:

Revised tariff sheets	Proposed effective dates
Substitute Twenty-first Revised Sheet No. 8.	Nov. 1, 1989.
Twenty-Second Revised Sheet No. 8.	Jan. 1, 1990.

According to Granite State, it provides a storage service for Bay State Gas Company under its Rate Schedule GSS with storage capacity provided in a

facility operated by CNG Transmission Corporation (CNG). It is further stated that Granite State's rate Schedule GSS tracks changes made by CNG under its Rate Schedule GSS pursuant to which Granite State obtains storage capacity from CNG.

Granite State further states that, on November 13, 1989, it filed a revised tariff sheet tracking a change in CNG's Rate Schedule GSS which CNG had filed in Docket No. RP85-169-045 for effectiveness on November 1, 1989. According to Granite State, its filing was accepted subject to a condition that it refile to reflect any revisions made by CNG in its Rate Schedule GSS. CNG filed a revision in its Rate Schedule GSS on December 5, 1989 for effectiveness on November 1, 1989 and Granite State states that Substitute Twenty-First Revised Sheet No. 8 tracks the revision made by CNG for effectiveness on November 1, 1989.

According to Granite State, CNG also filed in Docket No. RP90-56 on December 8, 1989, a change in its Rate Schedule GSS for effectiveness on January 1, 1990 to reflect an updating of recovery for costs related to take-or-pay payments to suppliers. Twenty-Second Revised Sheet No. 8 tracks the changes made in CNG's Rate Schedule GSS for effectiveness on January 1, 1990.

According to Granite State, copies of its filing were served upon Bay State Gas Company and the regulatory commissions of the States of Maine, Massachusetts and New Hampshire.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 27, 1989. Protests will be considered by the Commission, in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 89-30070 Filed 12-27-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP89-186-000 and RP90-20-000]

Great Lakes Gas Transmission Co.; Informal Settlement Conference

December 19, 1989.

Take notice that a settlement conference will be convened in this proceeding on January 11, 1990, at 10:00 a.m. and continue through January 12, 1990 if necessary, at the offices of the Federal Energy Regulatory Commission, 810 First Street NE., Washington, DC, for the purpose of exploring the possible settlement of the above-referenced dockets.

Any party, as defined by 19 CFR 385.103(c), or any participant as defined by 18 CFR 385.102(b), is invited to attend. Person wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact J. Carmen Gastilo, (202) 375-8410 or Russell B. Mamone, (202) 357-5744.
Lois D. Cashell,
Secretary.

[FR Doc. 89-30076 Filed 12-27-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. RP90-17-003 and CP89-1121-006]

Mississippi River Transmission Corp.; Proposed Change in FERC Gas Tariff

December 19, 1989.

Take notice that on December 11, 1989 Mississippi River Transmission Corporation (MRT) tendered for filing the tariff sheets listed below to its FERC Gas Tariff, Original Volume No. 1-A. An effective date of November 24, 1989 is proposed.

First Revised Sheet No. 56
First Revised Sheet No. 57
First Revised Sheet No. 58
First Revised Sheet No. 64

Mississippi states that on November 30, 1989 the Commission issued its "Order Accepting and Rejecting Tariff Sheets Subject to Conditions" in the captioned dockets. The order specified that MRT's October 23, 1989 filing was in compliance with the Commission's September 18, 1989 order in Docket No. CP89-1121-000 with two exceptions. Ordering paragraph (D) required MRT to revise the imbalance penalty provisions set forth on Original Sheet No. 56 such that any scheduling penalty proposed by MRT not contain a penalty rate in excess of MRT's interruptible, transportation rate. Ordering paragraph (E) required MRT to modify Original

Sheet No. 64 to provide for unlimited secondary receipt points for service under Rate Schedule FTS. MRT states that the purpose of the instant filing is to comply with the Commission's order in both respects.

MRT requests waiver of the notice provisions of its gas tariff and the Commission's regulations to the extent necessary to allow the tariff changes filed herewith to become effective on the date proposed.

Mississippi states that a copy of the letter with tariff sheets was mailed to each of MRT's jurisdictional customers and to the State Commissions of Arkansas, Illinois and Missouri, and to the parties on the Docket No. CP89-1121 service list.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 27, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,
Secretary.

[FR Doc. 89-30071 Filed 12-27-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP90-59-000]

Northwest Pipeline Corp.; Filing

December 19, 1989.

Take notice that on December 15, 1989, Northwest Pipeline Corporation (Northwest) filed its annual compliance report and cost-of-service study.

Northwest states that it is filing a revised facility charge and an amortizing adjustment for the variations between cost-of-service and revenues collected, pursuant to Sections 13 and 14 of Rate Schedule T-1 of its FERC Gas Tariff, First Revised Volume No. 1. Northwest states that the annual period for the instant filing is the twelve months ended September 30, 1989.

Northwest states that a copy of this filing is being served on all of its jurisdictional customers and affected state agencies.

Any person desiring to be heard or to protect said filing should file a motion to intervene or a protect with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure [18 CFR 385.214, 385.211 (1989)]. All such motions or protects should be filed on or before December 28, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-30072 Filed 12-27-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM90-11-28-000]

Panhandle Eastern Pipe Line Co.; Compliance Filing

December 19, 1989.

Take notice that on December 11, 1989 Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

Second Substitute Original Sheet No. 3-C.16
Second Substitute Original Sheet No. 3-C.17
Second Substitute Original Sheet No. 3-C.18

The effective date of these revised tariff sheets is May 1, 1989.

Panhandle states that on March 31, 1989 Panhandle filed revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1 in the above-referenced proceeding. In that filing, Panhandle proposed to recover from its customers 50 percent of additional take-or-pay settlement, buydown and buyout costs and to absorb the remaining 50 percent of the costs, consistent with the Commission's policy in Order No. 500. By Order issued April 28, 1989 the Commission accepted the tariff sheets, subject to certain conditions.

Panhandle further states that on May 30, 1989 Panhandle filed revised tariff sheets in compliance with the Commission's April 28, 1989 Order. These revised tariff sheets were accepted, subject to conditions, by the Commission's Letter Order issued July 7, 1989.

Panhandle further states that on October 10, 1989, the Commission issued its Order Denying Rehearing and Granting Clarification in Docket Nos. RP89-125-001, *et al.*, Panhandle's filing

to flowthrough take-or-pay settlement costs direct billed to Panhandle from its pipeline supplier, Trunkline Gas Company. Likewise on November 27, 1989, the Commission issued its Orders Denying Rehearing and Clarifying Prior Order in Docket Nos. CP88-490-003, *et al.*, and in Docket Nos. CP89-3-003, *et al.* In both of these orders the Commission reaffirmed its decision with respect to the responsibility of Columbia and MichCon, and MGU, respectively, for an allocated share of take-or-pay costs after October 31, 1988, the expiration date of their sales contracts with Panhandle. In its October 10, 1989 Order Denying Rehearing, the Commission stated that:

"Since the costs included in the March 31, 1989 filing are current costs to Panhandle, Panhandle may, if it chooses, file to allocate all the costs, including those which would have been recoverable from Columbia, MichCon and MGU had they remained as customers, to its current customers as of March 31, 1989."

The tariff sheets submitted herewith reflect the allocation of all the costs included in Panhandle's original filing of March 31, 1989, as amended May 30, 1989, as approved April 28, 1989 and July 7, 1989, respectively, to its current customers as of March 31, 1989, pursuant to the Commission's directives as stated above.

Copies of this letter and enclosures are being served on all jurisdictional customers, interested state commissions and all parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure [18 CFR 385.211 and 385.214]. All such motions or protests should be filed on or before December 27, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person within to become a party must file a motion to intervene. Copies of Panhandle's filing are on file with the commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-30073 Filed 12-27-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM90-10-28-000]

Panhandle Eastern Pipe Line Co. Compliance Filing

December 19, 1989.

Take notice that on December 11, 1989 Panhandle Pipe Line Company (Panhandle) tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

First Substitute Original Sheet No. 3-C.19
First Substitute Original Sheet No. 3-C.20
First Substitute Original Sheet No. 3-C.21

The effective date of these revised tariff sheets is May 1, 1989.

Panhandle states that on March 31, 1989 Panhandle filed revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1 in the above-referenced proceeding. In that filing, Panhandle proposed to recover from its customers, on an as-billed basis, additional take-or-pay settlement, buydown and buyout costs billed to it by its upstream pipeline supplier, Trunkline Gas Company (Trunkline), and to adjust such charges from time to time. By Order issued April 28, 1989 the Commission accepted the tariff sheets, subject to certain conditions and subject to the outcome of Panhandle's proceedings in Docket No. CP88-490-001 and Trunkline's proceedings in Docket No. RP89-129-000.

Panhandle further states that on October 10, 1989, the Commission issued its Order Denying Rehearing and Granting Clarification in Docket Nos. RP89-125-001, *et al.* Likewise on November 27, 1989, the Commission issued its Orders Denying Rehearing and Clarifying Prior Order in Docket Nos. CP88-490-003, *et al.*, and in Docket Nos. CP89-3-003, *et al.* In both of these orders the Commission reaffirmed its decision with respect to the responsibility of Columbia and MichCon, and MGU, respectively, for an allocated share of take-or-pay costs after October 31, 1988, the expiration date of their sales contracts with Panhandle. In its October 10, 1989 Order Denying Rehearing, the Commission stated that:

"Since the costs included in the March 31, 1989 filing are current costs to Panhandle, Panhandle may, if it chooses, file to allocate all the costs, including those which would have been recoverable from Columbia, MichCon and MGU had they remained as customers, to its current customers as of March 31, 1989."

The tariff sheets submitted herewith reflect the allocation of all the costs included in Panhandle's original filing of March 31, 1989, as approved April 28,

1989, to its current customers as of March 31, 1989, pursuant to the Commission's directives as stated above.

Copies of this letter and enclosures are being served on all jurisdictional customers, interested state commissions and all parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before December 27, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of Panhandle's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-30074 Filed 12-27-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM90-5-43-000]

Williams Natural Gas Co.; Proposed Changes in FERC Gas Tariff

December 19, 1989.

Take notice that on December 11, 1989, Williams Natural Gas Company (WNG) tendered for filing the following tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

Effective May 1, 1989

Revised Original Sheet Nos. 6E1 and 6E2,
Second Revised Original Sheet No. 6F

Effective July 1, 1989

Revised First Revised Sheet Nos. 6E1, 6E2
and 6F

WNG states that the purpose of this filing is to reflect the abandonment of certain small volume firm sales service granted by the Commission in Docket Nos. CP89-23-000, *et al.* 48 FERC ¶ 61,057 (1989).

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington,

DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 27, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-30075 Filed 12-27-89; 8:45 am]

BILLING CODE 6717-01-M

Office of Energy Research

Energy Research Advisory Board; Accelerator Production of Tritium Panel

Notice is hereby given of the following meeting:

Name: Accelerator Production of Tritium Panel of the Energy Research Advisory Board.

Date & Time: January 8, 1990, 8:30 a.m.-5:00 p.m.

Place: Bechtel Group, Inc., 50 Beale Street, Room F, San Francisco, CA 94105, (415) 768-6020.

Contact: Charles Cathey, Department of Energy, Office of Energy Research, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-5444.

Purpose of the Parent Board: To advise the Department of Energy (DOE) on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Purpose of the Panel: To evaluate the feasibility, cost, schedule, and environmental issues associated with the potential production of tritium using an accelerator based system.

Tentative Agenda: The agenda items are subject to last minute changes. Visitors planning to attend for a specific topic should confirm the time prior to and during the date of the meeting.

Agenda

- Review activities of the working groups.
- Review first draft of the Panel report.

- Public Comment (10-minute rule).

Public Participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Charles Cathey at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda. The Chairman of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes of the Meeting: Available for public review and copying at the Freedom of Information Public Reading Room 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

J. Robert Franklin,

Deputy Advisory Committee Management Officer.

[FR Doc. 89-30118 Filed 12-27-89; 8:45 am]

BILLING CODE 6850-01-M

Office of Hearings and Appeals

Cases Filed With the Office of Hearing and Appeals; Week of November 10 Through November 17, 1989

During the Week of November 10 through November 17, 1989, the applications for exception and other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: December 21, 1989.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of November 10 through November 17, 1989]

Date	Name and location of Applicant	Case No.	Type of Submission
11/13/89	Harbor Enterprises, Inc. Seward, Alaska	LEE-0003	Exception to the Reporting Requirements.
	If Granted: Harbor Enterprises, Inc. would not be required to file Form EIA-782B, "Reseller/Retailer Monthly Petroleum Products Sales Report."		
11/14/89	Beacon/Ben W. Nachtigall Distributors, Inc. Reedley, California	RR238-4	Request for Modification/Rescission in the Beacon Refund Proceeding.
If Granted: The December 28, 1987 Decision and Order (Case No. FR238-13) issued to Ben W. Nachtigall Distributors, Inc. would be modified regarding the firm's application for refund submitted in the Beacon Refund Proceeding.			

REFUND APPLICATIONS RECEIVED

[Week of November 10 through November 17, 1989]

11/13/89	Johnson-Bates Drilling Co.	RF320-2
11/13/89	Racetrac Petroleum, Inc.	RF313-314
11/15/89	Clyde R. Evani.	RF300-10896
11/15/89	Consumers Power Company.	RF307-10074
11/10/89 Thru 11/17/89.	Crude Oil Refunds Applications Received.	RF272-79372 thru RF272-79392
11/10/89 Thru 11/17/89.	Atlantic Richfield Refunds Applications Received.	RF304-10581 thru RF304-10586
11/10/89 Thru 11/17/89.	Shell Oil Refunds Applications Received.	RF315-8080 thru RF315-8250

[FR Doc. 89-30117 Filed 12-27-89; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-34006; FRL-3687-3]

Ion Phase 3 Technical Guidance Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) requires that certain

registrants seeking reregistration of pesticide products furnish the Agency with reports concerning studies that they deem adequate to support reregistration (Phase 3 response). To assist registrants in the preparation of these reports, and to provide uniformity and consistency in their content and format, the Agency is making available a technical guidance document. Any registrant who believes that he is obligated to provide a Phase 3 response is requested to obtain a copy of the technical guidance document as soon as possible. There is no deadline for receipt of requests.

ADDRESSES: To receive a copy of the Technical Guidance document, send a request to the following address: Document Processing Desk (Phase 3 Alert), Office of Pesticide Programs (H7504C), U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Christine Rice, Generic Chemical Support Branch, Special Review and Reregistration Division (H7508C), Office of Pesticide Programs, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: -Room 728, CMt2, 1921 Jefferson Davis Highway, Arlington, VA, -(1-800-552-8879).

SUPPLEMENTARY INFORMATION: FIFRA sec. 4 establishes an accelerated process for the reregistration of pesticide products. Reregistration will be carried out in five phases. Phase 1, now complete, involved the development and publication of Lists A, B, C, and D of pesticide active ingredients requiring reregistration. Phase 2, to be completed by January 24, 1990, is the initial response by all registrants indicating their desire to be reregistered, enumerating existing studies that fulfill data requirements, and obligating themselves to fill data gaps.

In Phase 3, registrants who seek reregistration but are not eligible for a generic data exemption must determine which of their previously submitted

scientific studies are adequate to support reregistration. To do so, they must apply certain criteria of data acceptability, which the Agency has defined. In addition, they must summarize each study, reformat certain studies submitted before January 1, 1982, in accordance with Agency guidance, and identify information on adverse effects. Together, these items must be submitted to the Agency as a Phase 3 response.

Section 4(e)(4) of FIFRA mandates that EPA shall issue guidelines to be followed by registrants in: summarizing studies, reformatting studies, identifying adverse information, and identifying studies that have been submitted previously that may not meet the requirements of section 3 or regulations issued under that section. This notice announces the availability of a guidance document, entitled "FIFRA Accelerated Reregistration—Phase 3 Technical Guidance" (Technical Guidance document) that provides those guidelines for a Phase 3 response. This document is now available to registrants and interested persons.

Phase 3 responses are due to the Agency no later than one year after publication of Lists B, C, and D in the Federal Register. The earliest Phase 3 responses are due on May 25, 1990, and the latest on October 24, 1990. Phase 3 responses may be complicated because of the number of pesticide active ingredients involved, the number of studies that must be summarized and reformatted for each active ingredient, and the short time in which to prepare the submission. Moreover, failure to provide a Phase 3 response in a timely manner may lead to cancellation of product registration without a hearing. Thus, registrants are advised to obtain a copy of the Technical Guidance document as soon as possible. An adequate Phase 3 response cannot be submitted without using the Technical Guidance document. -EPA has notified every registrant by mail of the availability of the Technical Guidance document. Because the document is

lengthy, EPA does not wish to burden registrants unnecessarily if they are not required to respond in Phase 3. At the same time, EPA wants to ensure that every registrant is given adequate notice of the availability of the document.

Any person who wishes to receive a copy of the Technical Guidance document should send a request, containing name and address (and, if a pesticide registrant, his company number), to the address given earlier in this notice.

Date: December 21, 1989.

Douglas D. Camp, Jr.

Director, Office of Pesticide Programs.

[FR Doc. 89-30131, Filed 12-27-89; 8:45am]

BILLING CODE 6560-50-D

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-140126; FRL-3687-5]

General Accounting Office; Access to Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA plans to transfer information submitted under sections 7 and 17 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to the General Accounting Office (GAO) of the U. S. Congress. Some of the information that will be made available to the GAO has been claimed to be confidential business information (CBI). Information will be transferred to the GAO consistent with requirements of 40 CFR 2.209(b). This action will enable the GAO to fulfill its obligations, and this notice serves to notify affected persons.

DATE: The GAO will be given access to this data no sooner than December 29, 1989.

FOR FURTHER INFORMATION CONTACT: Sherell A. Sterling, Compliance Division (EN-342), Office of Compliance Monitoring, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202) 382-5566.

SUPPLEMENTARY INFORMATION: The House Committee on Government Operations has asked the GAO to review EPA's regulation of antimicrobial product efficacy. In order to characterize the antimicrobial product market and provide perspective on EPA's regulation of these products, the GAO needs access to EPA's pesticide production data, including CBI submitted to EPA under FIFRA.

Under 40 CFR 2.209(b), information that is considered by the submitter to be trade secret or commercial or financial as described by FIFRA section 10(d) may be disclosed to Congress or the Comptroller General when such disclosure is necessary for their review. (In this case, the request is from the GAO on behalf of the Congress.) EPA routinely receives such CBI as part of the data that are submitted by pesticide registrants and others as provided for in FIFRA sections 7 and 17. Congress or the Comptroller General are authorized to receive such data upon written request to EPA as specified in 40 CFR part 2 as referenced in § 2.209.

FIFRA section 10(f) sets a criminal penalty for wrongful disclosure of confidential information, whether such disclosure is made by an officer or employee of the United States.

The GAO recognizes the sensitivity of the CBI it may review in the course of its study. Prior to access, the GAO personnel performing this work will be briefed on EPA's security procedures. These employees will then be given access to information as requested and will be allowed to attend meetings in which such information is discussed. In addition, EPA employees will be authorized to discuss CBI with the designated GAO personnel.

The GAO does not intend to include any such CBI information in its final report to the House Committee. In order to ensure confidentiality, the GAO will ask EPA to review any technical information to be included in the final report to verify that it does not contain CBI.

EPA specifically prohibits disclosure of CBI to any third party in any form without written authorization from EPA, and personnel of the GAO will be asked to sign a nondisclosure agreement.

Dated: December 20, 1989.

Linda J. Fisher,

Assistant Administrator for Pesticides and Toxic Substances.

[FR 89-30133; Filed 12-27-89; 8:45 am]

BILLING CODE 6560-50-D

ENVIRONMENTAL PROTECTION AGENCY

[OPP-34005; FRL 3685-2]

Pesticide Active Ingredients Under Review; Availability of Docket Indices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice lists pesticide active ingredients that will be under review during Fiscal Year 1990 under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), either as draft documents under the Registration Standards process, or as part of the phased reregistration scheme that has superseded the Registration Standards process. This notice also announces the availability of docket indices for pesticide Reregistration Documents under development and pesticide Special Reviews, and provides information on how interested persons may request inclusion on an EPA mailing list to receive such indices.

DATES: Written comments on listed pesticide active ingredients should be submitted on or before February 28, 1990. Persons may request to be included on the mailing list for docket indices at any time.

ADDRESSES: Comments on listed pesticide active ingredients should be identified with the docket number listed with each active ingredient case and should be submitted to the address below. Persons wishing to be included on a mailing list to receive docket indices should also direct their requests to this address: Public Information Branch, Field Operations Division (H-7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

In person, bring comments to: Rm. 246, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of a comment that does not contain CBI must be submitted for inclusion in the public docket. Information not designated "confidential" may be disclosed publicly by EPA without prior notice to the submitter. The public docket will be available for public inspection and copying in Rm. 246 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: For information on pesticide active ingredients on List A, contact, by mail:

Lois A. Rossi, Special Review and Reregistration Division (H-7508C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Office location and telephone number: Rm. 1116, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 557-0592.

For information on public dockets, their availability, and docket indices, contact Deena Vann (703-557-2805) of the Public Information Branch, in Rm. 244 at the above address.

SUPPLEMENTARY INFORMATION:

I. Background

Under section 4(a) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the EPA must reregister each pesticide product containing an active ingredient first registered before November 1, 1984. This provision replaced and clarified a similar obligation to reregister pesticides established under section 3(g) of FIFRA in 1972.

II. Registration Standards

From 1980 to 1988, the Registration Standards program was EPA's approach to the reassessment and reregistration of pesticides. Under this program the scientific data base underlying each active ingredient was thoroughly reviewed, and essential but missing scientific studies were identified.

The reassessment resulted in a requirement for submission of data needed to allow EPA to evaluate fully the safety of the active ingredient according to contemporary scientific standards. The results of the review were reflected in a Registration Standard, in which EPA stated its regulatory positions regarding the products containing an active ingredient and the rationale for each position, as well as requirements for submission of additional data needed for a complete assessment, and label warnings or other regulatory restrictions needed to protect health and the environment. After the data required under the initial Registration Standard were submitted, the EPA process called for reassessment of the pesticide and issuance of a revised Registration Standard (termed a Second Round Review).

For each Registration Standard developed, EPA established and maintained a public docket. On a quarterly basis, EPA provided to individuals on a mailing list the indices or revised indices for Registration Standard dockets.

Under the new FIFRA, EPA's process for obtaining data and reassessing pesticide active ingredients has been redefined. EPA will no longer issue Registration Standards as a means of identifying data needs for an active ingredient. However, some Registration Standards were issued in draft form for public comment, in accordance with the requirement of 40 CFR 155.34(c), and have not yet been issued as final Registration Standards. These Registration Standards are in varying stages of review within the Agency, and EPA expects to issue them during FY90.

Registration Standards for the following active ingredients will be issued during FY90.

Name	Date of issuance of draft	Case number
Methidathion.....	9/88	0034
Chlorothalonil.....	9/88	0097
Butylate.....	3/89	0071
Warfarin.....	4/89	0011
Chlorpyrifos.....	6/89	0100

III. FIFRA-88 Active Ingredients

Under FIFRA sec. 4, the Agency will no longer issue Registration Standards for active ingredients as it has in the past. In order to obtain needed data for reregistration decision making, EPA will issue Data Call-In notices under FIFRA sec. 3(c)(2)(B) to affected registrants, requiring them to furnish the data. When EPA believes that it possesses all data required to evaluate the active ingredient, it will commence the review process required by FIFRA sec. 4(g)(1) leading to a decision on the registrability of the active ingredient. At the conclusion of its review on registrability of an active ingredient, EPA will develop a Reregistration Document. Although the form and content of this document have not been fully defined by the Agency, EPA intends that it will serve a purpose similar to that of a Registration Standard with respect to regulatory decisions on the active ingredient.

Accordingly, EPA will establish and maintain a public docket for each active ingredient as it has done for Registration Standards. The docket will be established at the time the Agency issues a notice in the Federal Register of the initiation of scientific review under FIFRA sec. 4(g)(1). If a docket was previously established for an active ingredient under 40 CFR 155.32(a), EPA will maintain the same docket. (Dockets

for Registration Standards were not established before November 1985.)

EPA has determined that it will commence scientific review under FIFRA sec. 4(g)(1) of the pesticide active ingredients enumerated in Unit IV to determine the registrability of the active ingredient, and hopes to make the eligibility determination required by FIFRA sec. 4(g)(2) in FY90.

IV. Chemicals Scheduled for Review During FY90

The case names in this listing correspond to those published in the List A Federal Register notice of February 22, 1989 (54 FR 7740). Readers should refer to the List A notice for further information on the individual active ingredients comprising each case.

Name of active ingredient case	List	Case number
Allette.....	A.....	0648
Amitraz.....	A.....	0234
Copper compounds: Group II.....	A.....	0649
Copper sulfate.....	A.....	0636
Heliothis NPV.....	A.....	0151
Methoprene.....	A.....	0030
Potassium bromide.....	A.....	0342
Sodium (Na) and calcium (Ca) hypochlorites.....	A.....	0029
Sulfur.....	A.....	0031
Trimethacarb.....	A.....	0112
Warfarin and its sodium (Na) salt.....	A.....	0011

V. Availability of Docket Indices

Regulations on Registration Standards and Special Review provide for the establishment of a public docket for Registration Standards under development and Special Review actions, the maintenance of docket indices, and the establishment of a mailing list of persons wishing to receive the docket indices on a regular basis. As it did for Registration Standards, EPA intends to establish and maintain a public docket for each Reregistration Document. Each docket will contain, among other things, materials submitted to EPA by parties outside of government, EPA documents made available to persons outside of government, and memoranda of meetings with persons outside of government concerning pending Special Reviews and Reregistration Documents under development.

EPA also maintains a mailing list for docket indices. The same mailing list will be used for the indices for new dockets for Reregistration Documents under development. Persons on the mailing list will receive automatically the docket indices (or updates to

previous indices) for Reregistration Documents and Special Reviews. These will be distributed periodically, or as required by the regulations. Persons on the mailing list will receive docket indices for all open dockets. Persons will be required to renew their requests for inclusion on the mailing list annually.

Any person wishing to be included on the mailing list should submit his name, affiliation (if any), and mailing address to the address given earlier in this notice. Organizations, groups and companies are requested not to submit multiple requests under different names, but to designate a primary recipient within the organization. This will reduce mailing costs and time in administering the mailing list.

Persons currently on the mailing list for Registration Standard and Special Review indices must resubmit requests for continued inclusion on the mailing list at this time.

Dated: December 21, 1989.

Douglas D. Camp,

Director, Office of Pesticide Programs.

[FR Doc. 89-30132 Filed 12-27-89; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

Australia/Pacific Coast Rate Agreement et al.; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC, Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the *Federal Register* in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section after communicating with the Commission regarding a pending agreement.

Agreement No. 202-010012-017

Title: Australia/Pacific Coast Rate Agreement

Parties: Hamburg-Sudamerikanische Dampfschiffahrts-Gesellschaft Eggert & Amsinck (Columbus Line); Associated Container Transportation (Australia) Limited (PACE Line)

Synopsis: The proposed modification restates the basic Agreement and

revises it to comply with the recently enacted amendment to the Australian Trade Practices Act, 1974.

Agreement No. 202-010268-014

Title: Australia/Eastern USA Shipping Conference

Parties: Hamburg-Sudamerikanische Dampfschiffahrts-Gesellschaft Eggert & Amsinck (Columbus Line); Associated Container Transportation (Australia) Limited (PACE Line)

Synopsis: The proposed modification restates the basic Agreement and revises it to comply with the recently enacted amendment to the Australian Trade Practices Act, 1974.

Agreement No. 212-011213-014

Title: Spain-Italy/Puerto Rico Island Pool Agreement

Parties: Compania Trasatlantica Espanola, S.A.; Nordana Line AS; Sea-Land Service, Inc.

Synopsis: The proposed amendment would add d'Amico Societa di Navigazione S.P.A. ("d'Amico") to appendices C and D of the Agreement, which pertain to reports on available capacity and capacity utilization among the parties. The amendment would also revise Article 5.E.1 to provide that each member line's minimum, maximum, and basic pool shares for each pool section shall, for all pool periods rather than just the first four as presently specified, be as set forth in appendix B for any given pool period.

Agreement No. 208-011239-002

Title: United States Middle East and Indian Subcontinent Discussion Agreement

Parties: The 8900 Lines; The West Coast/Middle East and West Asia Rate Agreement ("WAME"); American President Lines, Ltd.; A.P. Moller-Maersk Line; National Shipping Company of Saudi Arabia; Sea-Land Service, Inc.; Thames Shipping Ltd.; United Arab Shipping Company (S.A.G.); Waterman Steamship Corp.

Synopsis: The proposed amendment would delete WAME as a member of the Indian Subcontinent Section of the agreement and modify Article 8 to reflect that WAME need not be present for quorum purposes at meetings relating only to the Indian Subcontinent Section.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

Dated: December 21, 1989.

[FR Doc. 89-30022 Filed 12-27-89; 8:45 am]

BILLING CODE 6730-01-M

Yugoslavia/United States Discussion Agreement Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the *Federal Register* in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 203-011264-002

Title: Yugoslavia/United States Discussion Agreement

Parties: Evergreen Marine Corporation (Taiwan) Ltd., Jugolinija (Jugoslavenska Linijska Plovidba), Lykes Bros. Steamship Co., Inc., Nedlloyd Lines, B.V., Sea-Land Service, Inc., Zim Israel Navigation Company, Ltd.

Synopsis: The proposed amendment would add P&O Containers (TFL) Ltd. as a party to the Agreement. The carrier has requested a shortened review period.

By Order of the Federal Maritime Commission.

Dated: December 21, 1989.

Joseph C. Polking,

Secretary.

[FR Doc. 30034 Filed 12-27-89; 8:45 am]

BILLING CODE 6730-01-M

Notice of Agreement(s) Filed; Georgia Ports Authority

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10220. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the *Federal Register* in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations.

Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-200224-002

Title: Georgie Ports Authority Terminal Agreement.

Parties: Georgia Ports Authority (Port), Chiquita Brands, Inc.

Synopsis: The Agreement amends the rate schedule of the basic agreement for terminal services at Containerport, Savannah, Georgia, to provide that the charge for keeping Gate 5 open at other than normal hours will be \$21.00 per hour, effective January 1, 1990. The charge will escalate on October 1 of each year during the term of the agreement in an amount equal to the corresponding percentage rate increase in the Port's terminal tariff.

By order of the Federal Maritime Commission.

Dated: December 22, 1989.

Joseph C. Polking,

Secretary.

[FR Doc. 89-30137 Filed 12-27-89; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL TRADE COMMISSION

[Dkt. 9186]

Motor Transport Association of Connecticut, Inc.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final Order.

SUMMARY: This Final Order dismisses the complaint against the respondent, which represents approximately 585 competing motor carriers and files collective rates for its common carrier members with the state regulatory agency.

DATES: Complaint issued September 13, 1984. Final Order issued August 25, 1989.¹

FOR FURTHER INFORMATION CONTACT:

Michael E. Antalics, FTC/S-2308, Washington, DC 20580. (202) 326-2682.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Commissioners:

Janet D. Steiger, Chairman

Terry Calvani

Mary L. Azcuenaga

¹ Copies of the Complaint, Initial Decision, Opinion of the Commission, Statements, etc. are available from the Commission's Public Reference Branch, H-130, 8th Street and Pennsylvania Avenue NW, Washington, DC 20580.

Andrew J. Strenio, Jr.
Margot E. Machol

Final Order

This matter having been heard by the Commission on the appeal of complaint counsel from the initial decision and on briefs and oral arguments in support of and in opposition to the appeal, for the reasons stated in the accompanying Opinion, the Commission affirms the decision of the Administrative Law Judge.

Accordingly, *It is ordered That* the complaint be and it hereby is dismissed.

By the Commission, Chairman Steiger and Commissioner Machol not participating.

Donald S. Clark,

Secretary.

[FR Doc. 89-30081 Filed 12-27-89; 8:45 am]

BILLING CODE 6750-01-M

[Dkt. C-2574]

Sharp Electronics Corporation; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Set Aside Order.

SUMMARY: The Federal Trade Commission has set aside a 1974 consent order with Sharp Electronics Corporation, (84 F.T.C. 743), because respondent satisfactorily demonstrated that changes in the law required such action, thus enabling respondent to maintain favorable relations with its full service dealers, and thereby develop and promote an efficient distribution system to compete more effectively with other electronic calculator manufacturers; as a result, consumers are likely to benefit.

DATES: Consent order issued October 9, 1974. Set aside order issued August 21, 1989.

FOR FURTHER INFORMATION CONTACT: Joe Eckhaus, FTC/S-2115, Washington, DC 20580. (202) 326-2687.

SUPPLEMENTARY INFORMATION: In the Matter of Sharp Electronics Corporation. The prohibited trade practices and/or corrective actions as set aside at 40 FR 7393, are deleted.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Commissioners:

Janet D. Steiger, Chairman

Terry Calvani

Mary L. Azcuenaga

Andrew J. Strenio, Jr.

Margot E. Machol

Order Reopening and Setting Aside Order Issued on October 9, 1974

On April 25, 1989, Sharp Electronics Corporation ("Sharp") filed a "Request To Reopen The Proceeding And Set Aside The Order" ("Request"), pursuant to section 5(b) of the Federal Trade Commission Act, 15 U.S.C. 45(b), and section 2.51 of the Commission's Rules of Practice and Procedure, 16 CFR 2.51. The Request asks the Commission to reopen the proceeding and set aside the order issued by the Commission on October 9, 1974, in Docket No. C-2574, 84 F.T.C. 743. The order prohibits Sharp from restricting in any manner the territories in which, or the customers to whom, its dealers may sell Sharp electronic calculators. In support of its Request, Sharp argues that the order should be set aside to reflect changed conditions of law and fact and "to promote considerations of fairness and the public interest." Request at 8, 9. Sharp's Request was placed on the public record for thirty days, pursuant to § 2.51(c) of the Commission's Rules. No comments were received.

For the reasons discussed below, the Commission has concluded that Sharp has made a satisfactory showing of changed conditions of law that require reopening the proceeding and warrant modifying the order in the manner requested by Sharp. The Commission has therefore determined to reopen the proceeding and set aside the order in its entirety.

I

The Commission issued its complaint in this matter on October 9, 1974. 84 F.T.C. at 743-45. The complaint alleged that Sharp violated Section 5 of the Federal Trade Commission Act, by, among other things, prohibiting its dealers from selling Sharp electronic calculators outside of their "allotted" territories, and imposing restrictions "as to the persons or classes of persons" to whom Sharp dealers may sell such calculators. 84 F.T.C. at 744. Sharp's distribution practices, as alleged in the complaint, "actually hindered, restricted, restrained and prevented competition * * *," and constituted "unfair acts * * * and methods of competition * * *" within the meaning of section 5 of the FTC Act. *Id.*

The Commission's order, entered by consent, prohibits Sharp from imposing any territorial restrictions on its dealers, or defining the class of customers to whom they are permitted to sell Sharp electronic calculators. The order also prohibits Sharp from using any mandatory fixed schedules for the

division of profit between any selling dealer and a dealer in whose territory the product is serviced that has the effect of restricting the territory in which electronic calculators may be sold. 84 F.T.C. at 746.¹ However, the order explicitly permits Sharp to designate for its dealers geographical areas within which a dealer may agree to devote its best efforts to the sale of electronic calculators, engaged in activities specifically rendered lawful by legislation enacted by Congress, require a dealer to undertake obligations of installation and warranty service, and require its dealers to comply with any voluntary profit passover program made available by Sharp. *Id.* at 746-47.

II

Section 5(b) of the FTC Act, 15 U.S.C. 45(b), provides that the Commission shall reopen an order to consider whether it should be modified if the respondent "makes a satisfactory showing that changed conditions of law or fact" require such modification. A satisfactory showing sufficient to require reopening is made when a request to reopen identified significant changes in circumstances and shows that the changes eliminate the need for the order, bring the order into conflict with current law, or make continued application of it inequitable or harmful to competition. *Louisiana Pacific Corp.*, Docket No. C-2956, Letter to John C. Hart (June 5, 1986), at 4. See S. Rep. No. 96-500, 96th Cong., 2d Sess. 9 (1979) (significant changes or changes causing unfair disadvantage); *Phillips Petroleum Co.*, Docket No. C-1088, 78 F.T.C. 1573, 1575 (1971) (no modification for changes reasonably foreseeable at time of consent negotiations); *Pay Less Drug Stores Northwest, Inc.*, Docket No. C-3039, Letter to H. B. Hummelt (Jan. 22, 1982) (changed conditions must be unforeseeable, create severe competitive hardship, and eliminate dangers that the order sought to remedy); see also *United States v. Swift & Co.*, 286 U.S. 106, 119 (1932) (modification warranted by "clear showing" of changes that eliminate reasons for order or such that the order causes unanticipated hardship).

The language of section 5(b) plainly anticipates that the burden is on the petitioner to make the requisite satisfactory showing of changed conditions to obtain reopening of the

order. The legislative history also makes clear that the petitioner has the burden of showing, other than by conclusory statements, why changed circumstances required that the order should be modified.² If the Commission determines that the petitioner has made the necessary showing, the Commission must reopen the order to consider whether modification is required and, if so, the nature and extent of the modification. The Commission is not required to reopen the order, however, if the petitioner fails to meet its burden of making the satisfactory showing required by the statute. The petitioner's burden is not a light one given the public interest in the finality of Commission orders. See *Federated Department Stores, Inc. v. Moitie*, 425 U.S. 394 (1981) (strong public interest considerations support repose and finality).

III

Based on the information provided by Sharp and other available information, the Commission has determined that Sharp has made a satisfactory showing that changes in law require reopening the proceeding and warrant setting aside the order. Having reopened and set aside the order on the basis of change of law, the Commission does not reach the issue whether reopening is also warranted based upon the changes of fact or the public interest considerations asserted by Sharp.

In 1974, when this consent order was issued, all vertical restraints were considered *per se* unlawful, based on *U.S. v. Arnold Schwinn & Co.*, 388 U.S. (1967). Three years after the order was issued, the Supreme Court overruled *Schwinn* in *Continental T.V., Inc. v. GTE Sylvania, Inc.*, 433 U.S. 36 (1977), stating that territorial restrictions and other nonprice vertical restraints are not inherently anticompetitive, and should be analyzed under the rule of reason.³ The Court said that nonprice vertical restraints had the potential to "promote interbrand competition by allowing the manufacturer to achieve certain efficiencies in the distribution of his products." 433 U.S. at 54. One such efficiency that the Court expressly recognized was the use of such restraints to permit suppliers "to induce retailers to engage in promotional

activities or to provide service and repair facilities necessary to the efficient marketing of their products." *Id.* at 55. Subsequent cases have reaffirmed that nonprice vertical restraints, in the absence of further agreement on price or price levels to be charged by distributors, are to be analyzed under the rule of reason. See *Business Electronics Corp. v. Sharp Electronics Corp.*, 108 S. Ct. 1515 (1988); *Monsanto Co. v. Spray-Tite Service Corp.*, 465 U.S. 752, 762-63 (1984).

Sharp has identified *Sylvania* as a change in the law of nonprice vertical restraints from a *per se* to a rule of reason analysis. However, this showing alone, without a further showing that the order's prohibitions cannot be justified under current law, would be insufficient to require reopening. This is because the challenged vertical restrictions, although not *per se* unlawful, may nonetheless be unreasonable. If so, the order's prohibitions would be consistent with existing law.

The Commission has previously relied upon *Sylvania* to conclude that only nonprice vertical restraints having "a probable adverse effect on interbrand competition" at either the manufacturer or dealer level are unlawful.⁴ The Commission has also stated that "[W]hen the exercise of market power in a properly defined relevant market is unlikely, the Commission considers non-price vertical restraints to be efficiency-enhancing in purpose and effect, and therefore lawful, without further inquiry."⁵

In its Request, Sharp has shown that, under the rule of reason analysis that the Commission applies to nonprice vertical restraints, there is no basis for continuing the order's prohibitions. Competition conditions in the electronic calculator industry today make it unlikely that nonprice vertical restraints could be used to create or enhance market power or facilitate collusion. Today, more than twenty major calculator suppliers compete in the United States, none of which appears to have a controlling share of the market.⁶ The structure of the distribution and retailing segments appears to be even more diffuse. There also appear to be

⁴ TEAC Corp. of America, 104 F.T.C. 634, 635 (1984) (emphasis in original), citing Beltone Electronics Corporation, 100 F.T.C. 68, 208 (1982).

⁵ TEAC Corp. of America, 104 F.T.C. 634, 635-36 (1984).

⁶ Assuming the United States electronic calculator industry to be a relevant market, Sharp's estimated current share is less than twelve percent; its largest competitor is estimated to have no more than fifteen percent of such a market. Maul Affidavit at ¶ 6.

¹ For a period that expired in 1979, Paragraph 5 of the order prohibited Sharp from establishing mandatory fixed schedules for the division of profit between any selling dealer and a dealer in whose territory the product is serviced, regardless of effects. *Id.*

² The Commission may properly decline to reopen an order if a request is "merely conclusory or otherwise fails to set forth specific facts demonstrating in detail the nature of the changed conditions and the reasons why these changed conditions require the requested modification of the order." S. Rep. No. 96-500, 96th Cong., 1st Sess. 9-10 (1979).

³ *Sylvania* did not change the *per se* rule against resale price maintenance.

no significant impediments to entry into the market for the supply of electronic calculators. Sharp has shown that, since 1974, at least ten new suppliers have entered the calculator market. Similarly, there is no evidence of impediments to entry into the distribution or retailing of electronic calculators. In general, the market today appears to be competitive. The number of available model types has increased substantially, and retail prices⁷ and supplier profit margins have decreased, since the order was issued.⁸ Given existing levels of concentration, the absence of significant entry impediments, and the apparent competition in the sale of electronic calculators, it appears unlikely that Sharp's use of nonprice vertical territorial or customer restraints would significantly restrict interbrand competition and reduce output. Therefore, Sharp has made a sufficient showing to justify reopening the order.

As to relief on the merits, the Commission is not aware of any facts or of any public interest considerations that weigh against setting aside the order in this matter. The petitioner has demonstrated that relief is appropriate. Elimination of the order's prohibitions will enable Sharp to maintain and promote an efficient distribution system. Sharp's inability to ban transshipping and to require its dealers to observe territorial restrictions could cause Sharp significant competitive injury by, among other things, lessening the efficiency of Sharp's distribution system and discouraging it from making necessary investments to promote sophisticated products and provide applications support and training to potential customers.⁹ Setting aside the order will

allow Sharp to compete more effectively with other electronic calculator manufacturers, and consumers are likely to benefit.

IV

Accordingly, *It is ordered* That this matter be reopened and that the Commission's order in Docket No. C-2574, issued on October 9, 1974, be, and it hereby is, set aside, as of the date of service of this order.

By the Commission, Commissioner Strenio did not participate by reason of absence.

Donald S. Clark

Secretary.

[FR Doc. 30082 Filed 12-27-89; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committees; Filing of Annual Reports

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that, as required by the Federal Advisory Committee Act, the agency has filed with the Library of Congress the annual reports of those FDA advisory committees that held closed meetings.

ADDRESSES: Copies are available for public examination at the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1751.

FOR FURTHER INFORMATION CONTACT: Richard L. Schmidt, Committee Management Office (HFA-306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2765.

SUPPLEMENTARY INFORMATION: Under section 13 of the Federal Advisory Committee Act (5 U.S.C. App. I) and 21 CFR 14.60(c), FDA has filed with the Library of Congress the annual reports for the following FDA advisory committees that held closed meetings during the period October 1, 1988, through September 30, 1989: Center for Biologics Evaluation and Research:

Blood Products Advisory Committee, Vaccines and Related Biological Products Advisory Committee, Center for Drug Evaluation and Research:

Anesthetic and Life Support Drugs Advisory Committee, Arthritis Advisory Committee, Dermatologic Drugs Advisory Committee, Peripheral and Central Nervous System Drugs Advisory Committee, Center for Devices and Radiological Health:

Immunology Devices Panel, Neurological Devices Panel, Ophthalmic Devices Panel. Annual reports are available for public inspection at the: (1) Library of Congress, Newspaper and Current Periodical Reading Room, Rm. 1026, Thomas Jefferson Bldg., Second St. and Independence Ave. SE., Washington, DC; (2) Department of Health and Human Services Library, Rm. G-400, 330 Independence Ave. SW., Washington, DC, on weekdays between 9 a.m. and 4:30 p.m.; and (3) Dockets Management Branch (HFA-305), Rm. 4-62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 20, 1989.

Ronald G. Chesemore,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 89-30064 Filed 12-27-89; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health

[NIH-NIEHS-ES-90-1]

Availability of Request for Grant Application; Hazardous Materials and Waste Worker Health and Safety Training, National Institute of Environmental Health Sciences

Application Receipt Date: March 16, 1990

As a result of increased authorization and appropriation levels, the NIEHS is soliciting to expand its current program of 11 grants for hazardous materials and waste worker health and safety training. It is anticipated that approximately \$10 million per year for two years will be available for non-profit organizations. Target populations include workers and supervisors engaged in:

1. Handling and processing by generators and treaters at active and inactive hazardous waste treatment, storage and disposal facilities;
2. Clean-up, removal, containment or remedial actions at hazardous waste sites;
3. Hazardous materials emergency response;
4. Hazardous waste disposal site risk assessment and investigation, remedial

⁷ The prices of Sharp's calculators ranged from \$500 to \$1,000 in 1972, and from \$150 to \$300 in 1982 when it became involved in the *Business Electronics* litigation. *Business Electronics Corp. v. Sharp Electronics Corp.*, 780 F.2d 1212, 1221 n.2 (5th Cir. 1986), *aff'd*, 108 S. Ct. 1515 (1988).

⁸ These changes in the market were acknowledged in Judge Jones' concurring opinion in *Business Electronics* as follows:

Only atavistic devotees of the abacus or slide rule could fail to recall the remarkable history of the electronic calculator market during the last fifteen years. The range of available models, variety of functions that can be performed, and myriad optional enhancements have multiplied rapidly while the average prices have plummeted. The number of competing manufacturers has increased. To maintain their market position and profitability, manufacturers like Sharp have obviously been required to react quickly and imaginatively to changes in the marketplace.

780 F.2d at 1221.

⁹ According to Sharp, its competitors are able to prevent free-riders from "disturbing the orderly distribution of their products" by full service dealers through such restraints as prohibiting mail order sales and sales to customers for resale. Request at 11.

actions or clean-up by State and local personnel; and

5. Transportation of hazardous materials.

It is the intent of NIEHS to fund programs that are targeted to nationwide and regional coverage. Applications will not be considered that cover municipalities or other jurisdictions less than statewide. Grants will be made for up to a two-year period. Grants will be made for direct student and worker-trainer training, technical support of training, and training program evaluation. It is believed that adequate curricula and training materials exist for worker health and safety training that can be adapted with minimal effort. Means of multiplying training are also encouraged to meet the need; thus programs such as train-the-trainer programs are encouraged. Two or more nonprofit organizations may join in a single application and share grant resources in order to maximize worker group coverage, enhance the effectiveness of training, and bring together appropriate academic disciplines and talents.

Letters of intent are requested by February 9, 1990.

Copies of the RFA and instructions for applying may be obtained from: Mr. Denny Dobbin, Program Administrator, Worker Training Grants Program, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, NC 27709-2233.

Dated: December 21, 1989.

David P. Rall,

Director, National Institute of Environmental Health Sciences.

[FR Doc. 89-30142 Filed 12-27-89; 8:45 am]

BILLING CODE 4140-01-M

National Institute of Allergy and Infectious Diseases; Amended Notice of Meeting

Notice is hereby given of a change in the meeting January 18, 1990, in Building 31C, Conference Rooms 4 and 6 respectively, at the National Institutes of Health, Bethesda, Maryland of the National Advisory Allergy and Infectious Diseases Council Acquired Immunodeficiency Syndrome Subcommittee, National Institute of Allergy and Infectious Diseases, which was published in the *Federal Register* on December 8 (54 FR 50655).

This subcommittee was to have convened in open session at 10:15 a.m. and continued until recess on January 18, but has been changed to convene at

9 a.m. and recess at 5 p.m. in conference room 6.

This subcommittee meeting was scheduled to be closed to the public from 8:45 a.m. until 10:15 a.m., but has been changed to convene at 5 p.m. until recess on January 18, in conference room 9.

Dated: December 19, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89-30028 Filed 12-27-89; 8:45 am]

BILLING CODE 4140-01-M

National Institute of Allergy and Infectious Diseases; Amended Notice of Meeting

Notice is hereby given of a change in the meeting January 18, 1990, in Building 31C, Conference Room 6, at the National Institutes of Health, Bethesda, Maryland of the AIDS Liaison Subcommittee of the AIDS Research Advisory Committee, National Institute of Allergy and Infectious Diseases, which was published in the *Federal Register* on December 15, 1989 (54 FR 51498).

This committee was to have convened at 10:30 a.m. and continued until adjournment on January 18, but has been changed to convene at 9 a.m. and recess at 5 p.m.

Dated: December 19, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89-30029 Filed 12-27-89; 8:45 am]

BILLING CODE 4140-01-M

National Institute on Deafness and Other Communication Disorders—Meeting of the Communication Disorders Review Committee

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Communication Disorders Review Committee of the National Institute on Deafness and Other Communication Disorders, February 22-23, 1990 at the Hyatt Regency of Bethesda, One Metro Center, Bethesda, MD 20814.

This meeting will be open to the public on February 22 from 8:30 a.m. to 9:00 a.m. to discuss program planning, program accomplishments and special reports or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

This meeting will be closed to the public on February 22 from 9:00 a.m. to recess and on February 23 from 8:30 a.m. to adjournment in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and sec.

10(d) of Public Law 92-463, for the review, discussion and evaluation of individual grant applications. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

A summary of meeting, roster of committee members, and other information pertaining to the meeting can be obtained from Dr. Marilyn Semmes, Executive Secretary of the Communication Disorders Review Committee, Federal Building, Room 9C-14, National Institutes of Health, Bethesda, Maryland 20892, Telephone: 301/496-9223

(Catalog of Federal Domestic Assistance Program No. 13.853, Clinical Basis Research; No. 13.854, Biological Basis Research)

Dated: December 15, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89-30032 Filed 12-27-89; 8:45 am]

BILLING CODE 4140-01-M

National Institute of Diabetes and Digestive and Kidney Diseases; Meeting, National Digestive Diseases Advisory Board

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Digestive Diseases Advisory Board on February 11-12, 1990. The meeting will begin at 8:30 a.m. February 11 and recess at 5 p.m. It will reconvene at 6:30 p.m. to recess at 10 p.m. and on February 12 will reconvene at 8 a.m. to adjourn at 4 p.m. The meeting, which will be open to the public, will be held at the Crystal Gateway Marriott, 1700 Jefferson Davis Highway, Arlington, Virginia 22032. The meeting will include a conference of liver transplantation as well as discussion regarding the Board's activities and continued evaluation of the implementation of the long-range digestive diseases plan. The conference portion of the meeting will enable the Board to develop a position statement on selected issues regarding liver transplantation that will aid the Board in its subsequent recommendations. Attendance by the public will be limited to space available. Notice of the meeting room will be posted in the hotel lobby.

Mr. Raymond M. Kuehne, Executive Director, National Digestive Diseases Advisory Board, 1801 Rockville Pike, Suite 500, Rockville, Maryland 20852, (301) 496-6045, will provide on request an agenda and roster of the members.

Summaries of the meeting may also be obtained by contacting his office.

Dated: December 19, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89-30030 Filed 12-27-89; 8:45 am]

BILLING CODE 4140-01-M

National Institute of Environmental Health Sciences; Meeting of Board of Scientific Counselors, Division of Biometry and Risk Assessment

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, DBRA, January 9-10, 1990, in Building 101 Conference Room, South Campus, NIEHS, Research Triangle Park, North Carolina.

This meeting will be open to the public 8:30 a.m. to 5 p.m. on January 9, for the purpose of presenting an overview of the organization and conduct of research in the Epidemiology Branch. Attendance by the public will be limited to space available. In accordance with the provisions set forth in section 552b(c)(6) of title 5 U.S. Code and section 10(d) of Public Law 92-463, the meeting will be closed to the public on January 10, for the evaluation of the Epidemiology Branch, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Executive Secretary, Dr. David Hoel, Director, Division of Biometry and Risk Assessment, NIEHS, Research Triangle Park, NC 27709, telephone (919) 541-3441, FTS 629-3441, will furnish summaries of the meeting, rosters of committee members and substantive program information.

Dated: December 15, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89-30031 Filed 12-27-89; 8:45 am]

BILLING CODE 4140-01-M

John E. Fogarty International Center for Advanced Study in the Health Sciences; Meeting of the Fogarty International Center Advisory Board

Pursuant to Public Law 92-463, notice is hereby given of the fourteenth meeting of the Fogarty International Center (FIC) Advisory Board, February 6, 1990, in the Stone House (Building 16), at the National Institutes of Health.

The meeting will be open to the public from 8:30 a.m. to 3:00 p.m. The morning agenda will include a report by the Director of the FIC; a status report on FIC program planning; an update on the FIC Latin American initiative; reports on opportunities for U.S. biomedical science collaborations in relation to the "European Community 1992," Eastern Europe, and Japan; and a presentation on "Genetics of Coronary Heart Disease and Other Common Disorders" by an FIC Scholar-in-Residence from the University of Oslo, Norway.

The afternoon agenda will include a discussion of the draft report of the Advisory Board for its 1989 and 1990 Biennial Report to Congress; and reports on the Advisory Committee to the Director, NIH; and the status of implementation of the study of international collaboration for oral health research.

In accordance with the provisions of secs. 552b(c)(4) and 552(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92-463, the meeting will be closed to the public from 3:30 p.m. to adjournment for the review of applications, nominations, Scholars' conferences, and proposed international studies.

Myra Halem, Committee Management Officer, Fogarty International Center, Building 38A, Room 609, National Institutes of Health, Bethesda, Maryland 20892 (301-496-1491), will provide a summary of the meeting and a roster of the committee members upon request.

Dr. Coralie Farlee, Assistant Director for Planning and Evaluation, Fogarty International Center (Executive Secretary), Building 38A, Room 609, telephone 301-496-1491, will provide substantive program information.

Dated: December 15, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89-30025 Filed 12-27-89; 8:45 am]

BILLING CODE 4140-01-M

National Heart, Lung, and Blood Institute; Meeting

Notice is hereby given of the meeting of the National High Blood Pressure Education Program Coordinating Committee, sponsored by the National Heart, Lung, and Blood Institute on January 26, 1990, from 9 a.m. to 1:30 p.m., at the Bethesda Hyatt Regency Hotel, One Bethesda Metro Center, Wisconsin Avenue, Bethesda, Maryland 20814, (301) 657-1234.

The entire meeting is open to the public. The Coordinating Committee is meeting to define the priorities, activities, and needs of the participating

groups in the National High Blood Pressure Education Program. Attendance by the public will be limited to space available.

For the detailed program information, agenda, list of participants, and meeting summary, contact: Dr. Edward J. Roccella, Coordinator, National High Blood Pressure Education Program, Office of Prevention, Education and Control, National Heart, Lung, and Blood Institute, National Institutes of Health, Building 31, Room 4A05, Bethesda, Maryland 20892, (301) 496-0554.

Dated: December 15, 1989.

William F. Raub,

Acting Director, NIH.

[FR Doc. 89-30027 Filed 12-27-89; 8:45 am]

BILLING CODE 4140-01-M

National Center for Nursing Research; Meeting: National Advisory Council for Nursing Research

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Council for Nursing Research, National Center for Nursing Research, February 15-16, 1990, Building 31, Conference Room 8, National Institutes of Health, Bethesda, Maryland 20892.

This meeting will be open to the public on February 15, from 9 a.m. to 2:30 p.m. and on February 16 from approximately 9:30 a.m. to adjournment. Agenda items to be discussed will include the NCNR Director's Report, NCNR Collaborative Intramural Program, Report on the 1989 NIH Task Force on Nursing Research, and Clinical Trials Panel.

Attendance by the public will be limited to space available.

In accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92-463, the meeting will be closed to the public on February 15 from 2:30 p.m. to recess and on February 16 from 8:30 a.m. to approximately 9:30 a.m. for the completion of the review, discussion, and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Ruth K. Aladj, Executive Secretary, National Advisory Council for Nursing Research, National Institutes of Health, Building 31, Room 5-B-23,

Bethesda, Maryland 20892, (301) 496-0207, will provide a summary of the meeting, roster of committee members, and substantive program information upon request.

Dated: December 15, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89-30026 Filed 12-27-89; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

Advisory Committee on the National Institutes of Health; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the Advisory Committee on the National Institutes of Health (NIH) will meet on January 29, 1990. The meeting is open to the public and will be held in Room 800 of the Humphrey Building, 200 Independence Avenue, SW., Washington, DC, from 3 p.m. to 6 p.m.

The Advisory Committee on the NIH was established to advise and make recommendations to the Secretary of Health and Human Services and the Assistant Secretary for Health on strengthening the position of Director, NIH, in order to prepare the NIH for the challenges of the 1990's and beyond. The Committee will address the following broad questions:

What are the forces that brought NIH to the position it currently enjoys as the leader of the Nation's biomedical research enterprise? Are these forces changing?

What major challenges will the NIH be facing in the 1990's and beyond?

What kind of NIH is needed to meet these challenges?

What type of individual is needed to fill the position of Director, NIH? What is the relative importance of managerial skills, ability to stimulate innovation and work with industry, educational background and training, ability to lead the Nation's biomedical research enterprise, and other factors?

What factors are responsible for diminishing the attractiveness of the position of Director, NIH? and

What changes are needed to strengthen the position of Director, NIH, and to prepare the NIH for the challenges of the 1990's and beyond?

The focus of discussion at the January 29 meeting will be specific options for strengthening the position of Director, NIH.

The Committee is interested in the views of organizations comprised of or representing individuals or groups knowledgeable in the fields of biomedical research, medicine, and research management. Written comments are sought on the broad questions under consideration by the Committee, emphasizing any changes needed to strengthen the position of Director, NIH, and to prepare the NIH for the challenges of the 1990's and beyond. All written comments will be distributed to the Committee prior to the beginning of the meeting. A summary of the public comments will be presented at the beginning of the meeting.

Written comments should be brief and should be forwarded by mail to Dr. Patricia Hoben, Office of the Assistant Secretary for Health, Room 740 G Humphrey Building, 200 Independence Avenue, SW., Washington, DC, 20201, no later than January 22, 1990.

Dated: December 21, 1989.

James O. Mason,

Assistant Secretary for Health and Acting Surgeon General.

[FR Doc. 89-30018 Filed 12-27-89; 8:45 am]

BILLING CODE 4110-60-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-89-2093]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: John Allison, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 755-6050. This is not a

toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: December 20, 1989.

John T. Murphy,

Director, Information Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Mortgage Banker's Financial Reporting Form

- A. Statement of Condition
- B. Statement of Income
- C. Additional Information

Office: Government National Mortgage Association (GNMA)

Description of the Need for the Information and Its Proposed Use: GNMA monitors the financial conditions of all GNMA securities issuers and servicers by reviewing their financial statements. Form 11750 would standardize the balance sheet and income statement as well as facilitate electronic analysis of the information. All mortgage banking companies issuing or servicing GNMA securities would be required to complete this form.

Form Number: 11750

Respondents: Businesses or Other For-Profit

	Number of respondents	×	Frequency of response	×	Hours per Response	=	Burden hours
Form 11750	700		4		1		2,800

Frequency of Submission: Quarterly
Reporting Burden:

Total Estimated Burden Hours: 2,800

Status: New

Contact: George Anderson, HUD (202)
755-2884, John Allison, OMB, (202) 395-
6880

Dated: December 20, 1989.

[FR Doc. 89-30023 Filed 12-27-89; 8:45 am]

BILLING CODE 4210-01-M

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

[Docket No. N-89-2063; FR-2709-N-2]

Fair Housing Initiative Program; Competitive Solicitation

AGENCY: Office of the Assistant
Secretary for Fair Housing and Equal
Opportunity, HUD.

ACTION: Notice of extension of deadline
for submission of applications.

SUMMARY: On November 28, 1989 (54 FR 49030), the Department published in the *Federal Register*, a Notice of Funding Availability for the Fair Housing Initiatives Program; Competitive Solicitation. The notice solicited applications, from eligible State and local fair housing agencies and from public or private organizations formulating or carrying out programs to prevent or eliminate discriminatory housing practices, for funding under the Education and Outreach Initiative of the Fair Housing Initiatives Program (FHIP). The notice stated that applications were due by December 28, 1989. Today's notice extends the application deadline for an indefinite period, pending publication of a further notice giving a due date.

FOR FURTHER INFORMATION CONTACT: Marion F. Connell, Director, Programs Division, Office of Fair Housing and Equal Opportunity, Room 5212, 451 Seventh Street, SW., Washington, DC 20410-2000. Telephone: (202) 755-0455 (V and TDD) (This is not a toll-free number.) Application kits may be requested in writing or by telephone from the person listed above. To ensure a prompt response, it is suggested that requests for application kits be made by telephone. While, at this writing, application kits are not ready for distribution, they may be requested immediately, and will be forwarded as

promptly as possible. (Previous FHIP applicants will automatically receive a copy of the kit.)

DATES: The application submission deadline for funding under the November 28, 1989 Notice is extended for an indefinite period, pending publication of a further notice giving a due date.

SUPPLEMENTARY INFORMATION: On February 10, 1989 (54 FR 6492), HUD published a final rule implementing the Fair Housing Initiatives Program (FHIP) authorized under section 561 of the Housing and Community Development Act of 1987 (Pub. L. 100-242, approved February 5, 1988). Under FHIP, HUD provides funding to State and local governments or their agencies, and to other public or private entities formulating or carrying out programs to prevent or eliminate discriminatory housing practices.

An initial Notice of Funding Availability under the revised FHIP program was published on April 25, 1989 (54 FR 17872). A second FY 1989 notice announcing the availability of \$1.7 million in additional funding available under FHIP's Education and Outreach Initiative was published November 28, 1989 (54 FR 49030). That notice stated that applications were due by December 28, 1989. Today's notice extends the application deadline for an indefinite period, pending publication of a further notice giving a due date. (The published notice of the new application deadline will afford applicants no less than 30 days to submit timely applications.) The extension announced today will permit eligible applicants to review certain changes recently included in the application package. Applicants are encouraged to retain their application materials for submission following the publication of HUD's future announcement of the application due date, in case any changes in circumstances relevant to the applications are announced at that time.

Dated: December 21, 1989.

Gordon H. Mansfield,
*Assistant Secretary for Fair Housing and
Equal Opportunity.*

[FR Doc. 89-30024 Filed 12-27-89; 8:45 am]

BILLING CODE 4210-28-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA220-00-4320-12]

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms may be obtained by contacting the Bureau of Land Management's (BLM) Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the BLM Clearance Officer and to the Office of Management and Budget, Paperwork Reduction Project (1004-0041), Washington, DC 20503, telephone (202) 395-7340.

Title: Grazing Preference Statement,
43 CFR 4130.1-1.

OMB Approval Number: 1004-0041.

Abstract: This form is used to notify permittees of the status of their grazing preference (qualifications) and to make application for changing the grazing authorization specified in a grazing permit or lease.

Bureau Form Number: 4130-3.

Frequency: Annually.

Description of Respondents:
Permittees or lessees authorized to graze livestock on public lands.

Estimated Completion Time: 14 minutes.

Annual Responses: 7,665.

Annual Burden Hours: 1,794.

Bureau Clearance Officer (Alternate):
Rick Iovaine 202-653-8853.

Dated: November 22, 1989.

Frank W. Snell,
*Acting Assistant Director, Land and
Renewable Resources.*

[FR Doc. 89-30138 Filed 12-27-89; 8:45 am]

BILLING CODE 4310-84-M

[CA-010-00-4333.11]

Meeting of the Bakersfield District Advisory Council**AGENCY:** Bureau of Land Management, Interior.**ACTION:** Meeting of the Bakersfield District Advisory Council.**SUMMARY:** Pursuant to the authorities in the Federal Advisory Committee Act (Pub. L. 92-463) and the Federal Land Policy and Management Act of 1976 (sec. 309), the Bakersfield District Advisory Council will meet in Bakersfield, California.**DATES:** January 26-27, 1990.**ADDRESSES:** Meeting from 2:00 p.m. to 5:00 p.m. Friday, January 26 in the Kern Council of Governments meeting room, 2nd floor, 1401 19th Street, Suite 200, Bakersfield. Field trip to Carrizo Plain Natural Area leaving from 4301 Rosedale Highway, Bakersfield at 8:00 a.m. Saturday, January 27.**SUPPLEMENTARY INFORMATION:** The Bakersfield District Advisory Council is a 10 person council appointed by the Secretary of the Interior to give counsel and advice regarding planning and management of the public lands resources to the District Manager of the Bureau of Land Management Bakersfield District. The Council will meet for a field trip to the Carrizo Plain Natural Area in eastern San Luis Obispo County. The agenda of the Friday afternoon meeting in Bakersfield will include a briefing on the Natural Area by BLM personnel. The meeting is open to the public, and anyone wishing to address the Council about any public land issue is welcome to speak during the public comment period from 4:00 to 5:00 p.m. Written comments may be submitted to the address below.**FOR FURTHER INFORMATION CONTACT:** Larry Mercer, Public Affairs Officer, Bureau of Land Management, Bakersfield District Office, 800 Truxtun Avenue, Room 311, Bakersfield, CA 93301; (805) 861-4229.

Dated: December 19, 1989.

Nancy Cotner,

Associate District Manager.

[FR Doc. 89-30061 Filed 12-27-89; 8:45 am]

BILLING CODE 4310-40-M

Fish and Wildlife Service**Reopening of Public Comment Period on Marine Mammal Application**

The public is invited to comment on the following application for a marine mammal permit public display permit under the Marine Mammal Protection

Act of 1972. This notice constitutes a reopening of the comment period of this application due to a change in circumstances in the application.

Applicant: Marine World-Umino-Nakamichi Fukuoka, Japan, PRT-735558

On March 27, 1989, a notice was published in the Federal Register (Vol. 54, No. 57) that an application had been filed with the Fish and Wildlife Service (Service) by Marine World-Umino-Nakamichi, Kaiyo Seitai Kagakukan Col., Ltd., Fukuoka, Fukuoka-Pref., 811-03 Japan, for a permit to capture and export five Alaska sea otters for the purpose of public display. The sea otters were to be captured in or near the Prince William Sound, Alaska.

The Marine World-Umino-Nakamichi application was subsequently withdrawn by the Office of Management Authority due to the occurrence of the Exxon Valdez oil spill in the Prince William Sound on March 24, 1989, because the Service was unable to justify any captures of sea otters for public display from the Prince William Sound and affected spill areas until damage to the sea otter population could be assessed.

Subsequent to the oil spill recovery effort, the Service rescued several young orphaned sea otter pups from the affected area which were transferred to the Point Defiance Aquarium in Tacoma, Washington, on September 11, where they received intensive care and monitoring. The first six months of a sea otter's life in the wild with its mother is critical for teaching the young otter how to survive. Since the rescued otter pups were deprived of that essential period in their behavioral development, the Service has determined that these pups affected by the oil spill would not be capable of surviving if returned to their habitat and are therefore deemed nonreleasable.

Because the Marine World-Umino-Nakamichi had initially applied to the Service for a permit to take sea otters from the wild, and the nonreleasable pups are now in need of placement, the five pups (1 male, 4 females) were made available to Marine World-Umino-Nakamichi on the condition that the aquarium receive the necessary authorization under the Marine Mammal Protection Act and the Convention on International Trade in Endangered Species (CITES).

These sea otters will remain subject to the jurisdiction and control of the Fish and Wildlife Service, but would be on permanent loan to the aquarium, subject to all special conditions of the permit and subject to recall by the Service at any time.

Concurrent with the publication of this notice in the Federal Register, the Office of Management Authority is forwarding copies of this application to the Marine Mammal Commission and the Committee for Scientific Advisors for their review.

Written data or comments, requests for copies of the complete application or requests for a public hearing on this application should be submitted to the Director, Office of Management Authority, P.O. Box 3507, Arlington, Virginia 22203-3507 within 30 days of the publication of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such hearing is at the discretion of the Director.

Documents submitted in connection with the above application are available for review during normal business hours (7:45 am to 4:15 pm) at 4401 North Fairfax Drive, Room 432, Arlington, Virginia.

Dated: December 21, 1989.

Karen Willson,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 30021 Filed 12-27-89; 8:45 am]

BILLING CODE 4310-55-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-295]

Certain Novelty Teleidoscopes; Commission Decision Not To Review Initial Determination Terminating One Respondent on the Basis of a Consent Order; Issuance of Consent Order**AGENCY:** U.S. International Trade Commission.**ACTION:** Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (ID) issued by the presiding administrative law judge (ALJ) terminating respondent Man's Trading Co. (Man's) from the above-captioned investigation on the basis of a consent order.

FOR FURTHER INFORMATION CONTACT: George Thompson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202-252-1090. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810.

SUPPLEMENTARY INFORMATION: On November 27, 1989, the president ALJ issued an ID (Order No. 21) terminating the investigation with respect to Man's. The ID granted a joint motion of complainant Homespun Imports, Inc., d/b/a Silver Deer Ltd. and Man's to terminate the investigation with respect to Man's on the basis of a consent order.

No petitions for review of the ID or government agency of public comments were received.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and Commission interim rules 210.53(h), 211.20, and 211.21. 19 CFR 210.53(h), 211.20, and 211.21.

By order of the Commission.

Issued: December 19, 1989.

Kenneth R. Mason,
Secretary.

[FR Doc. 89-30105 Filed 12-27-89; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-296]

Commission Determination Not To Review Initial Determination Granting Terminating Investigation on the Basis of a Settlement Agreement

In the matter of: certain Phenylene Sulfide Polymers and Polymer compounds and products containing same.

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Commission has determined not to review the presiding administrative law judge's (ALJ) initial determination (ID) terminating the above-captioned investigation on the basis of a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Cynthia P. Johnson, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-252-1098.

SUPPLEMENTARY INFORMATION: The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in § 210.53(h) of the Commission's Interim Rules of Practice and Procedure (19 CFR 207.53(h)).

On November 8, 1989, all of the parties in the investigation filed a joint motion to terminate the investigation on the basis of the settlement agreement. On November 24, 1989, the presiding ALJ issued an ID (Order No. 154) terminating the investigation on the basis of the

settlement agreement. No petitions for review or agency or public comments were filed.

Copies of the non-confidential version of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202-252-1000. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810.

By order of the Commission.

Kenneth R. Mason,
Secretary.

Issued: December 21, 1989.

[FR Doc. 89-30122 Filed 12-27-89; 8:45 am]

BILLING CODE 7020-01-M

[Investigation No. 731-TA-433]

Certain Residential Door Locks and Parts Thereof From Taiwan; Commission Determination To Conduct a Portion of a Hearing In Camera

AGENCY: U.S. International Trade Commission.

ACTION: Closure of a portion of a Commission hearing to the public.

SUMMARY: Upon request of the petitioner in the above-captioned final investigation, the Commission (Commissioner Lodwick and Commissioner Newquist dissenting) has determined to conduct a portion of its hearing scheduled for December 21, 1989, *in camera*. See Commission rules 201.13 and 201.35(b)(3) (19 CFR 201.13 and 201.35(b)(3)). The remainder of the hearing will be open to the public.

FOR FURTHER INFORMATION CONTACT: Laurie B. Horvitz, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202)-252-1107. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Commission's TDD terminal on (202)-252-1810.

SUPPLEMENTARY INFORMATION: The Commission believes that petitioner has demonstrated circumstances justifying closure of the hearing for the presentation and discussion of certain company-specific business proprietary information that is relevant to the Commission's analysis under the Tariff

Act of 1930, as amended. The Commission has determined that a full discussion of the domestic industry and of the indicators that the Commission examines in assessing material injury by reason of subject imports could only take place if at least part of the hearing were held *in camera*. In making this decision, the Commission nevertheless reaffirms its belief that wherever possible its business should be conducted in public.

The hearing will begin with the usual public presentation by petitioner, followed by questioning of petitioner by the Commission. Respondents will then make their public arguments, and be questioned as appropriate by the Commission. Following respondents' public presentation and questioning, an *in camera* session concerning petitioner's BPI will begin. For this, the room will be cleared of all persons except: (1) Those who have been granted access to business proprietary information under a Commission administrative protective order (APO) and are included on the Commission's APO service list in this investigation, (2) personnel of petitioner, if any, representing the company submitting the BPI, and (3) personnel of the Commission, including the court reporter. See 19 CFR 201.35(b)(1)(2). In the *in camera* session, respondents may make a presentation, limited to a discussion of petitioner's BPI, to be followed by questions from the Commission as appropriate. Petitioner will then have an opportunity to respond, and may also be questioned by the Commission as appropriate.

Following the *in camera* session, the Commission may determine that it is appropriate to reopen the hearing to the public for concluding statements or for additional public questioning by the Commission. The time for the parties' presentations in the *in camera* session will be taken from their respective overall allotments for the hearing. All those planning to attend the *in camera* portions of the hearing should be prepared to present proper identification.

Authority: The General Counsel has certified, in accordance with the procedures set out in Commission Rule 201.39 (19 CFR 201.39) that, in her opinion, a portion of the Commission's hearing in Certain Residential Door Locks and Parts Thereof from Taiwan, Inv. No. 731-TA-433 (Final) may be closed to the public to prevent the disclosure of business proprietary information.

By order of the Commission.

Issued: December 20, 1989.

Kenneth R. Mason,
Secretary.

[FR Doc. 89-30121 Filed 12-27-89; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-435 (Final)]

Certain Steel Pails From Mexico

AGENCY: United States International Trade Commission.

ACTION: Revised schedule for the subject investigation.

EFFECTIVE DATE: December 13, 1989.

FOR FURTHER INFORMATION CONTACT:

Brian C. Walters (202-252-1198), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-252-1000.

SUPPLEMENTARY INFORMATION: On November 27, 1989, the Commission instituted the subject investigation and established a schedule for its conduct (54 F.R. 50445, December 6, 1989). Subsequently, the Department of Commerce extended the date for its final determination in the investigation from January 22, 1990, until not later than March 23, 1990 (54 FR 50523, December 7, 1989). The Commission, therefore, is revising its schedule in the investigation to conform with Commerce's new schedule.

The Commission's new schedule for the investigation is as follows: requests to appear at the hearing must be filed with the Secretary to the Commission not later than March 14, 1990; the prehearing conference will be held at the U.S. International Trade Commission Building on March 19, 1990; the prehearing staff report will be placed in the nonpublic record on March 12, 1990; the deadline for filing prehearing briefs is March 22, 1990; the hearing will be held at the U.S. International Trade Commission Building on March 27, 1990; the deadline for filing post hearing briefs is April 3, 1990, and the deadline for Parties to file additional written comments on business proprietary information is April 9, 1990.

For further information concerning the investigation see the Commission's notice of investigation cited above and the commission's rules of Practice and

procedure, part 207, subparts A and C (19 CFR part 207), and part 201, subparts A through E (19 CFR part 201), as amended.

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to section 207.20 of the Commission's rules (19 CFR 207.20).

By order of the Commission.

Issued: December 19, 1989.

Kenneth R. Mason,
Secretary.

[FR Doc. 89-30120 Filed 12-27-89; 8:45 am]

BILLING CODE 7020-02-M

Tapered Roller Bearings and Parts Thereof, and Certain Housings Incorporating Tapered Rollers From Romania; Request for Comments Concerning the Institution of a Section 751(b) Review Investigation

AGENCY: United States International Trade Commission.

ACTION: Request for comments regarding the institution of a section 751(b) review investigation concerning the Commission's affirmative determination in investigation No. 731-TA-345 (Final), Tapered Roller Bearings and Parts Thereof, and Certain Housings Incorporating Tapered Rollers from Romania.

SUMMARY: The Commission invites comments from the public on whether changed circumstances exist sufficient to warrant the institution of an investigation pursuant to section 751(b) of the Tariff Act of 1930 (19 U.S.C. 1675(b)) (the act) to review the Commission's affirmative determination in investigation No. 731-TA-345 (Final), regarding tapered roller bearings and parts thereof, and certain housings incorporating tapered rollers (TRBs) from Romania. The purpose of the proposed review investigation is to determine whether an industry in the United States would be materially injured, or would be threatened with material injury, or the establishment of an industry in the United States would be materially retarded, by reason of imports of TRBs from Romania if the antidumping order regarding such merchandise were to be modified or revoked. Tapered roller bearings, parts thereof, and certain housings incorporating tapered rollers are provided for in subheadings 8482.20.00, 8482.91.00, and 8482.99.30, subheading 8483.20.40, and heading 8708, respectively, of the Harmonized Tariff Schedule of the United States.

FOR FURTHER INFORMATION CONTACT: Lisa Zanetti (202-252-1189), Office of

Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-252-1000.

SUPPLEMENTARY INFORMATION:

Background

On May 8, 1987, the Department of Commerce determined that imports of tapered roller bearings and parts thereof from Romania were being sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the act (19 U.S.C. 1673) (52 FR 17433); and on June 5, 1987, the Commission determined, pursuant to section 735(b)(1) of the act (19 U.S.C. 1673d(b)(1)), that an industry in the United States was materially injured by reason of imports of such LTFV merchandise.

On November 22, 1989, the Commission received a request to review its affirmative determination in investigation No. 731-TA-345 (Final) pursuant to section 751(b) of the act (19 U.S.C. 1675(b)). The request was filed by counsel on behalf of UCF America Inc., Pennsauken, NJ, an importer of TRBs from Romania.

Written Comments Requested: Pursuant to § 207.45(b)(2) of the Commission's Rules of Practice and Procedure (19 CFR 207.45(b)(2)), the Commission requests comments concerning whether the following alleged changed circumstances are sufficient to warrant institution of a review investigation: (1) The Court of International Trade, in ruling that imports from socialist countries were improperly cumulated by the Commission (*Marsuda-Rodgers International v. United States*, 13 CIT at —, op. 89-106, July 26, 1989), has invalidated the determination rendered in the initial investigation involving imports of TRBs from Romania; (2) Romania lost most-favored-nation (MFN) status in July 1988, resulting in a dramatic increase in the tariffs on Romanian TRBs exported to the United States; (3) the performance of the domestic TRB industry has improved markedly since the initial investigation such that continued imposition of antidumping duties against imports of TRBs from Romania is no longer warranted; and (4) assuming *arguendo* that the Timken Company (petitioner in

the original investigation) once competed with Romanian TRBs in the low end of the TRB market, this competition no longer exists. Timken now markets TRBs manufactured by its Brazilian subsidiary, Timken do Brasil.

Written Submissions: In accordance with § 201.8 of the Commission's rules (19 CFR 201.8), the signed original and 14 copies of all written submissions must be filed with the Secretary to the Commission, 500 E Street SW, Washington, DC 20436. All comments must be filed no later than 30 days after the date of publication of this notice in the *Federal Register*. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request business confidential treatment under § 201.6 of the Commission's rules (19 CFR 201.6). Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Each sheet must clearly be marked at the top "Confidential Business Information." The Commission will either accept the submission in confidence or return it. All nonconfidential written submissions will be available for public inspection in the Office of the Secretary.

Copies of the request for review of the injury determination and any other documents in this matter are available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission; telephone 202-252-1000.

By order of the Commission.

Issued: December 18, 1989.

[FR Doc. 89-30104 Filed 12-27-89; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

Finance Docket No. 31387 (Sub-No. 2)

Chicago Rail Link—Operation Exemption—Canadian National Railway Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Commission on its own motion exempts from the requirements of 49 U.S.C. 11343, *et seq.*, the operation by Chicago Rail Link of the Railport intermodal facility being leased by Canadian National Railway Company (CN), subject to standard labor conditions. In a related proceeding currently pending before the

Commission, Finance Docket No. 31387 (Sub-No. 1), Canadian National Railway Company—Lease from Grand Trunk Western Railroad Company, CN has filed an application under 49 U.S.C. 11343, *et seq.*, for approval to lease the Railport facility from Grand Trunk Western Railroad. A separate decision will be issued in that proceeding.

DATES: This exemption is effective on January 29, 1990. Petitions to stay the effectiveness of the exemption must be filed by January 8, 1990, and petitions for reconsideration must be filed by January 18, 1990.

ADDRESSES: Send pleadings referring to Finance Docket No. 31387 (Sub-No. 2) to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423 (2) Carriers' representative, Charles A. Spitulnik, 888 Sixteenth Street NW., Washington, DC 20006

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245, [TDD for hearing impaired: (202) 275-1721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 275-1721].

Decided: December 19, 1989.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Lamboley, Phillips and Emmett. Vice Chairman Simmons and Commissioner Lamboley would have deferred action on the operation issue pending final action on the lease transaction.

Kathleen M. King,

Acting Secretary.

[FR Doc. 89-30170 Filed 12-27-89; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of a Consent Decree Pursuant to CERCLA

In accordance with Section 122 of the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9622 and Departmental policy, 28, CFR 50.7, notice is hereby given that on December 18, 1989, a proposed consent decree in *United States v. Avondale Industries, Inc.*, was lodged with the United States District Court for the Middle District of Louisiana in Civil Action No. 89-957B. The decree resolves claims of the United

States against twenty potentially responsible parties under sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, in connection with the Dutchtown Superfund Site, located in Dutchtown, Louisiana.

Under this Consent Decree, the settling parties agree to implement the removal action selected for the Dutchtown Site which will include off-site thermal destruction of the oils and sludges present on-site, treatment and discharge of the contaminated water in the pits, treatment of any contaminated soils to below a health-based level, and dismantling and disposal of onsite structures and equipment. The settling parties further agree to pay \$409,464.19 to reimburse the United States for a portion of its past response costs incurred at the Dutchtown Site and to pay all future costs incurred by the government in oversight of the response action.

The proposed Decree may be examined at the office of the United States Attorney for the Middle District of Louisiana, 352 Florida Street, Second Floor, Baton Rouge, Louisiana 70801 (contact: John Gaupp (504) 389-0443); at the Region 6, Office of Regional Counsel, Environmental Protection Agency, 1445 Ross Avenue, 12th Floor, Dallas, TX 75202 (contact: D. Bruce Jones (214) 655-2120); and at the Environmental Enforcement Section, Land and Natural Resources Division of the United States Department of Justice, Room 1515, 10th and Pennsylvania Avenue NW., Washington, DC 20530. In requesting copies, please enclose a check in the amount of \$4.70 (10 cents per page reproduction charge) payable to the Treasurer of the United States. The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Avondale Industries, Inc.* (M.D. La.), DOJ Reference No. 90-11-2-428.

Richard B. Stewart,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-30140 Filed 12-27-89; 8:45 am]

BILLING CODE 4410-01-M

Lodging of a Consent Decree Pursuant to CERCLA

In accordance with section 122 of the Comprehensive Environmental Response Compensation and Liability

Act ("CERCLA"), 42 U.S.C. 9622 and Departmental policy, 28 CFR 50.7, notice is hereby given that on December 18, 1989, a proposed consent decree in *United States v. E.I. du Pont de Nemours and Company*, was lodged with the United States District Court for the Southern District of Iowa in Civil Action No. 89-175-D-1. The decree resolves claims of the United States against E.I. du Pont de Nemours ("DuPont") and Lewis and Lynn Todt under Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, in connection with the 2.7 acre DuPont Impoundment located within the larger 12 acre Lawrence Todt Superfund Site in Camanche, Iowa.

Under this Consent Decree, DuPont agrees to implement the remedial action selected by EPA in the ROD, including two contingent operable units if one or more trigger constituents are found in specified concentrations in the groundwater. DuPont also agrees to pay \$450,000 to reimburse the United States for a portion of its remaining response costs incurred at the Site. The Todt's agree to provide DuPont with access for cleanup.

The proposed Decree may be examined at the office of the United States Attorney for the Southern District of Iowa, 115 U.S. Courthouse, East 1st & Walnut Streets, Des Moines, Iowa 50309 [contact: Robert Dopf (504) 389-0443]; at the Region 7, Office of Regional Counsel, Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66101 [contact: Gerhardt Braeckel (913) 236-2808]; and at the Environmental Enforcement Section, Land and Natural Resources Division of the United States Department of Justice, Room 1515, 10th and Pennsylvania Avenue NW., Washington, DC 20530. In requesting copies, please enclose a check in the amount of \$50.00 (10 cents per page reproduction charge) payable to the Treasurer of the United States. The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. E.I. du Pont de Nemours and Company, Inc.* (S.D. Iowa.), DOJ Reference No. 90-11-2-385.

Richard B. Stewart,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-30141 Filed 12-27-89; 8:45 am]

BILLING CODE 4410-01-M

[AAG/A Order No. 36-89]

Privacy Act of 1974; Computer Matching

This notice is published in the *Federal Register* in accordance with the requirements of 5 U.S.C. 552a(e)(12). The Immigration and Naturalization Service (INS), Department of Justice (the source agency), is participating in a computer matching program with the District of Columbia and agencies of five States (all designated as recipient agencies). The matching program entitled "Systematic Alien Verification for Entitlements (SAVE)" will permit the agencies to confirm the immigration status of alien applicants for, or recipients of, Federal benefits assistance as required by section 121 of the Immigration and Reform Control Act (IRCA) of 1986 (Pub. L. 99-603). Specifically, the matches will permit the following eligibility determinations:

(1) The District of Columbia Department of Employment Services; the New Jersey Department of Labor; the New York Department of Labor; and the Texas Employment Commission will be able to confirm eligibility status for unemployment compensation.

(2) The California State Department of Health Services will be able to determine eligibility status for the Medicaid Program; and the California State Department of Social Services will be able to determine eligibility status for the Aid to Families with Dependent Children (AFDC) program, and the Food Stamps Program.

(3) The Colorado Department of Social Services will be able to determine the eligibility status for the Medicaid program, the AFDC program, and the Food Stamps Program.

Section 121(c) of IRCA amends section 1137 of the Social Security Act and requires agencies which administer the Federal benefit programs designated within IRCA to use the INS verification system to determine eligibility. Accordingly, through the use of user identification codes and passwords, authorized persons from these agencies may electronically access the data base of an Immigration and Naturalization Service Privacy Act system of records entitled "Alien Status Verification Index, JUSTICE/INS-009." From its automated records system, any aforementioned agency participating in the matching program may enter electronically into the INS data base the alien registration number of the applicant or recipient. This action will initiate a search of the INS data base for a corresponding alien registration number. Where such number is located,

the agency will receive electronically from the INS data base the following data upon which to determine eligibility: alien registration number; last name; first name; date of birth; country of birth; social security number (if available); date of entry; immigration status data; and employment eligibility data. In accordance with 5 U.S.C. 552a(p), such agencies will provide the alien applicant or recipient with 30 days notice and an opportunity to contest any adverse finding before final action is taken against that alien because of ineligible immigrant status as established through the computer match.

Matching activity will be effective 30 days after publication in the *Federal Register* and will continue for a period of 18 months from the effective date unless extended by the Data Integrity Board of the Department of Justice.

The matching agreements and the required report have been provided to the Office of Management and Budget and the Congress in accordance with 5 U.S.C. 552a(o)(2)(A) and (r). Inquiries may be addressed to Patricia E. Neely, Staff Assistant, Facilities and Administrative Services Staff, Justice Management Division, Department of Justice, Room 529, 633 Indiana Avenue NW., Washington, DC 20530.

Dated: December 15, 1989.

Harry H. Flickinger,
Assistant Attorney General for Administration.

[FR Doc. 89-30139 Filed 12-27-89; 8:45 am]
BILLING CODE 4410-01-M

Drug Enforcement Administration

[Docket No. 88-62]

David W. Bradway, M.D.; Denial of Application

This proceeding before the Drug Enforcement Administration (DEA) was initiated on July 20, 1988, when the Deputy Assistant Administrator issued an Order to Show Cause proposing to deny David W. Bradway, M.D.'s application for a DEA Certificate of Registration. The Order to Show Cause alleged that the registration of Dr. Bradway (Respondent), of Merchantville, New Jersey, would be inconsistent with the public interest, as set forth in 21 U.S.C. 823(f). Respondent, by letter dated July 26, 1988, requested a hearing on the issues raised by the Order to Show Cause.

The hearing in this matter was held in Washington, DC, on November 1, 1988, before Administrative Law Judge Mary Ellen Bittner. On March 24, 1989, Judge

Bittner issued her opinion and recommended ruling, findings of fact, conclusions of law and decision. In compliance with 21 CFR 1316.65(b), copies of the Administrative Law Judge's opinion were served on Respondent and on Government counsel. No exceptions were filed. On May 17, 1989, Judge Bittner transmitted the record of these proceedings to the Administrator. The Administrator has considered this record in its entirety and, pursuant to 21 CFR 1313.67, hereby issues his final order in this matter based upon findings of fact and conclusions of law as hereinafter set forth.

On November 3, 1980, in the New Jersey Superior Court for Cumberland County, Respondent was convicted of (a) one count of conspiracy: to distribute, possess and possess with intent to distribute, controlled substances; to induce, persuade, aid and contribute to the unlawful use of a narcotic drug; and to knowingly and intentionally keep a residence for the purpose of using controlled dangerous substances; (b) thirty counts of unlawful distribution of controlled substances; (c) four counts of unlawful possession with intent to distribute controlled substances; (d) one count of manslaughter by unlawfully distributing controlled substances in such a grossly negligent and reckless manner as to cause the death of an individual, an Albert Bateman.

These convictions ultimately led to an Order to Show Cause issued by the DEA on November 1, 1981. Judge Francis L. Young was the Administrative Law Judge who presided over the hearing held pursuant to that Order to Show Cause. Judge Young found, *inter alia*, that Respondent issued prescriptions for Demerol and Quaaludes in his own name, and in the names of his friends and relatives. These prescriptions were not issued for a legitimate medical purpose, but were in fact used to obtain drugs for personal use and abuse. Because of Respondent's unlawful actions, a friend attending one of Respondent's "drug parties", died of a drug overdose. Judge Young further found that Dr. Bradway's friends became addicted to Demerol as was Respondent himself. As of the hearing date in January 1983, Judge Young found that there was no reasonable assurance that Respondent was a different person or markedly changed from the time he had committed these crimes. Then Administrator Francis M. Mullen, Jr. concurred with Judge Young's findings and revoked Respondent's Certificate of

Registration. See 48 FR 49937 (October 28, 1983).

In applying for a new registration, Respondent now contends that he has demonstrated a clear history of rehabilitation from substances which caused his criminal involvement. With respect to Respondent's new application, Administrative Law Judge Mary Ellen Bittner made the following findings of fact. On January 20, 1984, Respondent appeared before the executive committee of the New Jersey Board of Medical Examiners (Medical Board) in connection with a petition he had filed with reinstatement of his license to practice medicine. The Medical Board introduced an order on March 30, 1984, granting Respondent limited reinstatement of his license to practice medicine in a residency program or a public institution. The Attorney General of New Jersey moved the Medical Board to recall and reverse this order, on grounds that Respondent had not demonstrated that he was no longer addicted to controlled substances. In response, on August 10, 1984, the Medical Board entered a modified order of reinstatement of license with limited privileges. The Medical Board's modified order permitted Respondent to engage in a limited medical practice provided that, among other things, Respondent would submit to a psychiatric evaluation, participate in the impaired physician program, practice only under the direct supervision of another doctor, and submit quarterly reports to the Medical Board on his progress.

During January 1984, Respondent entered the New Jersey Physician's Health Program. While in this program, Respondent participated in a support group of recovered alcohol and drug dependent physicians, underwent random urine drug tests (all of which were negative), and participated in monthly meetings with the director of the program and the staff.

On July 1, 1984, Respondent entered a medical residency program, where he reportedly successfully completed a one-year residency without any signs of abusing drugs.

In 1986, with the approval of the New Jersey Medical Board, Respondent practiced medicine at the New Jersey Memorial Home for Disabled Soldiers under the supervision of the director of the facility. In August 1987, the Medical Board issued an order allowing Respondent to continue to practice medicine under supervision and stated that it had no objection "to the reinstatement of Respondent's privileges

to prescribe Schedules IV and V controlled substances."

On September 19, 1987, Respondent filed an application for DEA registration in Schedules IV and V controlled substances. The Medical Board later authorized Respondent to apply for authority to handle Schedule IIIN, and with certain restrictions, Schedule II controlled substances.

In a letter dated April 10, 1989, Respondent requested that his application for registration be amended to include Schedules II and III. Since Respondent's request was made after the hearing, Judge Bittner had no opinion with respect to Respondent's request for Schedule II and III controlled substance privileges.

In September 1987, Respondent obtained part-time employment as a physician at the office of Dr. Lance Gooberman. Respondent worked at the job four nights a week and every other Saturday. Respondent was responsible for seeing patients who presented primary health care problems. Dr. Gooberman hired Respondent at the request of the Director of New Jersey Physicians Health Program. Dr. Gooberman was pleased with Respondent's work and his medical practice; however, Respondent's lack of authority to prescribe controlled substances hindered Respondent's ability to practice. Under the current arrangement, Respondent refers to Dr. Gooberman any patients that he feels will benefit from a controlled substance. If Dr. Gooberman is not available when the need arises, Respondent can send the patient to a hospital emergency room or to Dr. Gooberman's brother, who is a physician and maintains an office in the same building.

Dr. Canavan, Medical Director of the Physicians Health Program, also testified that Respondent has actively and successfully participated in his program since 1984. Dr. Canavan, however, also acknowledged that he was an advocate for Respondent and that his main purpose was to help doctors maintain their rightful place in the medical fraternity. Dr. Canavan was Respondent's principal witness with respect to his claimed rehabilitation and ability to handle controlled substances. During Dr. Canavan's testimony, however, he made the following statements with respect to the conviction of Respondent: "you [Respondent] shared those drugs with some of your partying friends including your friend who unfortunately, at the time you shared your drugs, already had a heavy load on and your added dose may have been sufficient to push him

over the brim"; "as a consequence of that, he became involved in an incident where he shared some of his drugs with a high school classmate who went on to die of a drug overdose." From the Administrator's viewpoint, the doctor designated to supervise Respondent has little appreciation for Respondent's crime. It is difficult to credit his claims of rehabilitation for Respondent.

Judge Bittner recommended that Respondent be granted a DEA registration in Schedules IV and V with certain conditions. The Administrator does not agree. The Administrator does not find Dr. Canavan to be particularly credible and, since Respondent himself did not testify, the record contains little evidence that Respondent has been rehabilitated, especially in a case where a death was directly attributable to Respondent's misuse of his DEA Certificate of Registration.

Respondent points to his long abstention from drug use of nearly ten years, his participation in the New Jersey Physicians Health Program, his relicensure by the Medical Board, and successful medical practice under the supervision of Dr. Gooberman, as additional proof that he is now competent and trustworthy to handle controlled substances. Again, the Administrator does not agree. Although the evidence presented at the hearing does indicate that Respondent has made significant strides in rehabilitating himself, it is also important to note that Respondent not only abused drugs himself, but distributed dangerous drugs to his friends and acquaintances.

It is the position of the DEA that a Certificate of Registration to handle controlled substances is a privilege, not a right, and it should only be granted to doctors who have demonstrated high standards of ethical conduct and who are completely trustworthy in handling dangerous controlled substances which, as can be seen in this case, can have a devastating impact on individuals who abuse them. No psychiatrists testified nor were any psychiatric reports introduced even though such examination was ordered by the Medical Board in 1984. Simply stating that one is drug free does not make that person a responsible doctor, nor does it indicate that that doctor can competently handle controlled substances.

If Respondent were to receive a registration, he would have unlimited access to the very drugs which led to his criminal behavior. No significant need for a registration has been demonstrated. Dr. Gooberman testified that there is usually another doctor in the office and when there is not, his

brother, also a doctor, practices on the same floor. Dr. Gooberman knew of no instance where any emergency had arisen that had not been handled adequately.

The Administrator therefore specifically adopts the findings of fact and conclusions of law published by his predecessor, Francis M. Mullen, Jr., in his final order published in the Federal Register on October 28, 1983. The Administrator further finds that for the above-mentioned reasons, Respondent has not shown himself to be sufficiently trustworthy to again possess a DEA Certificate of Registration to handle controlled substances.

Having concluded that there is a lawful basis for the denial of Respondent's application for registration, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that the DEA application for Certificate of Registration submitted by David W. Bradley, M.D. be, and hereby is, denied.

This order is effective December 28, 1989.

Dated: December 20, 1989.

John C. Lawn,
Administrator.

[FR Doc. 89-30123 Filed 12-27-89; 8:45 am]
BILLING CODE 4410-09-M

[Docket No. 89-69]

Thomas N. Carter, M.D.; Revocation of Registration

On July 20, 1988, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued to Thomas N. Carter, M.D. (Respondent) of Washington, DC, an Order to Show Cause proposing to revoke Respondent's DEA Certificate of Registration, AC4855346. The statutory predicate for the proposed action was that Respondent's continued registration was inconsistent with the public interest. Respondent, through counsel, requested a hearing on the issues raised by the Order to Show Cause. The hearing in this matter was held in Washington, DC on January 5, 1989. Administrative Law Judge Francis L. Young presided. On May 5, 1989, the Administrative Law Judge issued his opinion and recommended that Respondent's registration should be revoked.

Judge Young found that Respondent no longer maintains an office for the practice of medicine at the address for which he is registered in the District of

Columbia. The Administrative Law Judge further found that from August 1982 until August 1984, Respondent issued Dilaudid prescriptions to a patient who soon became addicted to them. Some prescriptions were for as many as 100 Dilaudid tablets at a time. The majority of prescriptions were for approximately 60 tablets. The prescriptions were issued once a week although, on occasion, a few prescriptions were issued in the same week.

In late 1983 or early 1984 Respondent acknowledged that he became concerned that this patient might be addicted to Dilaudid. In early 1984, Respondent arranged for the patient to obtain treatment at a pain clinic in Baltimore with the aim of detoxifying the patient. The patient was significantly improved on leaving the treatment center. Shortly after the patient was discharged from the treatment center, he returned to Respondent who again resumed prescribing Dilaudid.

The patient gave Respondent various excuses for requesting frequent Dilaudid prescriptions, attempting to show the need for another prescription shortly after one had been written by Respondent. Often the excuse was that pharmacies were not filling the prescriptions in the full amount of tablets the doctor had prescribed. On one occasion the patient gave the excuse that his prescription, or the pills that he obtained with one, had been stolen from his briefcase in his office. On another occasion, the patient told the doctor that one of the prescriptions that he had obtained from the doctor was destroyed because it got wet while he was washing his dog. It was not until August of 1984 that Respondent finally ceased writing prescriptions for this patient.

The State of Maryland Commission on Medical Discipline, now called the Board of Physician Quality Assurance, summarily suspended Respondent's license to practice medicine in Maryland on or about February 6, 1986. Subsequently, a hearing of approximately two days duration was held before the Commission in April and May 1988. At that hearing, evidence was presented with respect to Respondent's prescribing of Dilaudid, Dexedrine, Percodan and Percocet for five patients. One of those patients was the addict for whom Respondent had been supplying Dilaudid.

After considering all the evidence, the Commission, *inter alia*, found: "(4) the commission finds that the Respondent's cognitive knowledge is deficient with

respect to the prescribing of controlled dangerous substances. (5) the commission finds that Respondent's prescribing practices were so deficient in terms of examination, follow-up and control, that certain patients, if they were not already addicted to controlled substances of the type prescribed by Respondent, were caused to continue to maintain their addiction during Respondent's grossly deficient prescribing practices. (6) After listening to the testimony of Respondent and reviewing the other evidence in this case the commission finds that Respondent's prescribing practices were not undertaken in a fraudulent or deceptive manner to cause or continue addiction, but, rather that Respondent exercised a gross lack of judgement in treating patients with chronic pain."

As a result of that hearing, the Commission unanimously suspended Respondent's license to practice medicine in the State of Maryland for a period of three years on June 21, 1988. The commencement of that period was backdated to begin from the day of the order of emergency suspension, i.e., February 6, 1986. The three-year period of suspension was to end in February 1989, provided certain conditions were met. Respondent attended a course at the Medical College of Pennsylvania in Philadelphia in obedience to the Maryland order. However, the record does not demonstrate what, if anything, Respondent learned from that course.

The Commonwealth of Virginia revoked Respondent's license to practice medicine in the State of Virginia by action of the Virginia State Board of Medicine in an order entered on December 30, 1986. Before that order was entered, there was an evidentiary hearing before the Virginia State Board of Medicine on November 20, 1986. Respondent appeared without counsel. He testified in his own behalf and presented letters and medical reports of a former patient. Respondent answered questions posed by members of the Virginia Board and its counsel.

Based on the foregoing findings of fact, the Administrative Law Judge found that it was clearly inconsistent with the public interest for the Respondent to have a DEA registration at any location. He concluded that the record was replete with instances, long continued, of Respondent's poor judgment and lack of appreciation of the dangers of addictive substances. The Administrator agrees with the conclusion of the Administrative Law Judge and adopts his findings of fact and conclusions of law in their entirety. 21 U.S.C. 824(a)(4) allows a registration to

be revoked upon finding that registrant has committed such acts as would render his registration under section 823 of this title inconsistent with the public interest.

In determining whether a registrant's continued registration is inconsistent with the public interest, the Administrator considers the following factors listed in 21 U.S.C. 823(f) and referred to in 21 U.S.C. 824(a)(4):

- (1) The recommendation of the appropriate State licensing board or professional disciplinary authority.
- (2) The applicant's experience in dispensing, or conducting research with respect to controlled substances.
- (3) The applicant's conviction record under Federal or state laws relating to the manufacture, distribution, or dispensing of controlled substances.
- (4) Compliance with applicable State, Federal, or local laws relating to controlled substances.
- (5) Such other conduct which may threaten the public health and safety.

The Administrator is not required to make findings with respect to all of the factors listed above. The Administrator has the discretion to give each factor the weight he deems appropriate, depending upon the facts and circumstances in each case. See *David E. Trawick, D.D.S.*, Docket No. 86-69, 53 FR 5326 (1988); *England Pharmacy*, 52 FR 1674 (1987). In this case, the first and second factors are most relevant.

In view of the Respondent's continued prescribing of Dilaudid for an addicted patient, even after that patient completed therapy in a treatment center, it is obvious Respondent lacked appreciation for the consequences of his handling of controlled substances. The Maryland Commission found other patients' health and safety to have been threatened by Respondent's dangerous and deficient practices. Two State Medical Licensing Boards have considered this evidence and both have suspended Respondent's license to practice medicine in their respective states. The Administrator, too, concludes that it is inconsistent with the public interest for Respondent to be registered to handle controlled substances.

Having concluded, therefore, that there is a lawful basis for the revocation of Respondent's certificate of registration, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that the DEA Certificate of Registration, AC4855346, previously issued to Thomas N. Carter, M.D., be, and it hereby is, revoked. Any

pending applications for renewal of such registration are hereby denied.

This order is effective December 28, 1989.

Dated: December 18, 1989.

John C. Lawn,
Administrator.

[FR Doc. 89-30127 Filed 12-27-89; 8:46 am]

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[Docket No. 88-121]

Bradley Harbin, Denial of Application for Registration

On December 16, 1988, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Bradley Harbin, M.D. (Respondent), of Harbin Medical Clinic, 24 Main Street, Stamps, Arkansas, proposing to deny his application for registration as a practitioner, executed on June 20, 1988, on the ground that his registration would be inconsistent with the public interest, as the term is used in 21 U.S.C. 823(f) and 824(a)(4).

Respondent, through counsel, timely filed a request for hearing on the issues raised in the Order to Show Cause and the matter were placed on the docket of Administrative Law Judge Francis L. Young. Following prehearing procedures, a hearing was held in this matter on June 6 and 7, 1989, in Texarkana, Arkansas. The Government presented the testimony of five witnesses and introduced 17 documents. Respondent presented the testimony of eleven witnesses, including himself, and introduced seven documents.

On July 17, 1989, the administrative law judge issued his opinion and recommended ruling, findings of fact, conclusions of law and decision recommending that Respondent's pending application for registration be denied. Neither party filed exceptions thereto.

After careful review of this case in its entirety, the Administrator concludes that Respondent's application for registration should be denied as contrary to the public interest, adopts the administrative law judge's findings of fact, conclusions of law and recommendation as his own, and includes additional findings as they appear below.

The Administrator finds that Respondent has a lengthy history of abusing controlled substances. In 1980, he purchased several vials of cocaine crystals from a pharmacy in Ava, Missouri, by presenting a DEA order form and claiming that the cocaine was

for use at a medical center where he was then employed. At the time, Respondent did not possess a valid DEA Certificate of Registration authorizing him to handle controlled substances in Missouri, although he was licensed to practice medicine in that state. He was also fired from the clinic after one of the clinic's nurses observed Respondent injecting himself with the remainder of a vial of Numorphan, a Schedule II narcotic controlled substance, while he was working in one of the nearby hospital wards.

That same year, on November 18, 1980, in the District Court for the Fourteenth Judicial District of Oklahoma, Respondent was convicted, after entering a plea of guilty, of one count of grand larceny.

On or about June 10, 1983, the Arkansas State Medical Board suspended Respondent's medical license based upon evidence of hospital and patient records at St. Joseph's Hospital in Hot Springs, Arkansas, where he was a patient. Following a hearing on September 16, 1983, the Board found that, at least for a period of several months prior to the suspension order, Respondent had been abusing cocaine, and that he had been self-administering the drug through intravenous injections. The Board also found that Respondent had been arrested on May 13, 1983, at which time he was in illegal possession of cocaine. In addition, the Board found that Respondent had failed to follow the advice of his treating psychiatrist by refusing to enter a drug rehabilitation program. Consequently, on October 4, 1983, the Board revoked Respondent's medical license. The Board based its action on Dr. Harbin's habitual, or intemperate, or excessive use of narcotics or other habit-forming drugs.

On December 1, 1983, in the United States District Court for the Western District of Arkansas, Respondent was convicted, after entering pleas of guilty, of one count of unlawful possession of cocaine, a Schedule II controlled substance, a misdemeanor offense relating to controlled substances; one count of employing force against law enforcement officers; and one count of unlawful possession of a loaded firearm. Respondent was sentenced to a one year period of probation, was required to submit to random drug screening, and was ordered to refrain from using any drugs unless prescribed by a licensed physician.

Respondent's 1983 convictions and the revocation of his Arkansas state medical license resulted from an incident which occurred on May 13, 1983, in Hot Springs National Park in Hot Springs, Arkansas. At that time, he

was employed as a physician at the Libbey Physical Medicine Center on the park grounds.

At approximately 9:00 p.m. on May 13, 1983, Park Rangers were called to the Medical Center they found Respondent and two acquaintances creating a disturbance. The Medical Center was closed at the time. Respondent refused to leave the premises after being ordered to do so by the Park Rangers. He appeared to the Park Rangers to be under the influence of a controlled substance. He was screaming and cursing and was also incoherent in his speech. When Park Ranger Terry Gross and other Rangers approached the lobby of the building, they found Respondent behind a locked door in his office. Respondent began yelling and resisted arrest. Respondent was searched following his arrest and was found to be in possession of substances in test tubes and vials which later were tested and found to contain cocaine. A search of Respondent's office revealed a loaded .44 magnum revolver and five rounds of ammunition. Shortly thereafter, Respondent was brought to the emergency room at St. Joseph's Hospital for observation. At the hospital, Respondent was found to be in possession of a bag of cocaine. During his stay in St. Joseph's Hospital, Respondent continued to abuse cocaine.

On May 16, 1983, while Respondent remained in the hospital, State Investigator Nancy Austin and DEA Special Agent Jim Stepp conducted a search of Respondent's office at Libbey Physical Medical Center and an office he maintained at his home. They seized various controlled substances and some syringes from both locations.

During his Federal probation, Respondent submitted to twenty-nine drug screen tests. On two occasions, December 8, 1983, and March 30, 1984, he tested positive for cocaine use. Respondent admitted to using cocaine prior to the December 8th test, but denied using the drug prior to the March 30th test. Also during his probation, from January 16, 1984, to January 27, 1984, Respondent was enrolled in an inpatient drug treatment program at the Veterans Administration Hospital in North Little Rock, Arkansas. He failed to complete the 30-day inpatient portion of the program, which was to have been followed up by an outpatient program. He left the program just 11 days after he began treatment, failing to complete even half of the treatment.

At the conclusion of his Federal probation in late 1984, Respondent's probation officer submitted a report to the court stating that:

While this officer is certainly not qualified to render a psychological opinion, it is noted that the probationer has exhibited a rather poor attitude and tends to blame others for his problems. He seems to have difficulty accepting the fact that his difficulties are not the result of other people's actions. It appears if he had a better outlook and had been willing to follow through with the recommended treatment program, his present situation would be much different. As it stands now, it appears that his future outlook is rather dim despite his many years of medical training and obvious capabilities in the medical field.

Respondent was discharged from Federal probation in December 1984.

On January 23, 1984, the Oklahoma State Board of Medical Examiners revoked Respondent's medical license based upon his 1980 conviction for grand larceny and his 1983 Federal convictions arising from the Hot Springs National Park incident. That license has not been reinstated.

On January 20, 1986, the Missouri State Board of Registration for the Healing Arts revoked Respondent's license to practice medicine. The Missouri Board's revocation order relied on the action taken by the Arkansas State Medical Board and the Hot Springs National Park incident. The Missouri Board also noted that Respondent had offered no substantial justification, mitigation, or evidence of rehabilitation. This license also has not been reinstated.

Some time in 1986, Respondent sought the return of his Arkansas state medical license. At that time, a conditional, or probationary, license was issued to him. Pursuant to the issuance of the license, Respondent was ordered to seek therapy in connection with his drug abuse problem.

At the request of the Arkansas State Medical Board, Respondent was seen by Eugene Waterman, M.D. during six to eight psychotherapy sessions between December 24, 1986, and June 15, 1987. Dr. Waterman also performed drug screens on Respondent. The first screen conducted by Dr. Waterman was positive. Respondent admitted to indulging in a controlled substance use prior to the screen. Another screen conducted in May 1987 was also positive. All of the other screens were negative.

At the conclusion of Dr. Waterman's treatment of Respondent, on June 15, 1987, he reported his conclusions to the Arkansas State Medical Board. He stated that:

I am not sure how to exactly advise you [the Board] in relationship to the decision that you must make. I believe that Mr. Harbin has been off cocaine. Each time that he has

given a urine specimen I have gone to the bathroom with him and watched him and the urine specimen has been body temperature, so I believe that he is and has been off of cocaine, but at the same time he does not see problems as really originating within him, but mainly the problems that he has with the people that he chooses to be close to. He then seeks answers not from any internal changes but through either the manipulation of the other person or in ending the relationship. I think that this way of dealing with the world is one which would make addiction more likely. After talking to Dr. Gardner and Dr. Patton I think the best course of action in view of possible problems with alcohol and the benzodiazepene's [sic] is to extend the temporary license.

Dr. Waterman also testified at the DEA hearing. He stated that, in his opinion, Dr. Harbin was not ready for psychotherapy in 1987.

On June 14, 1988, the Arkansas State Medical Board reinstated Respondent's medical license in that state. During the previous year, Respondent was practicing medicine with Robert Patton, M.D. in Lewisville, Arkansas, under a temporary license. He only worked with Dr. Patton for approximately six to eight months, after which time, Dr. Patton ended his business relationship with Respondent. There is no indication in the record as to why Dr. Patton terminated Respondent's employment. Dr. Patton performed drug screens during Respondent's employment. The results of the screens were negative.

From December 1988 to March 1989, Richard Portis, M.D., an official at the hospital in Hope, Arkansas, performed drug screens on Respondent. The screens were performed on the days Respondent was at the hospital for professional meetings, on a more or less regular monthly schedule. The results of those screens were also negative.

After leaving his association with Dr. Patton in Lewisville, Respondent moved to Stamps, Arkansas, where he began a sole practice. In that community, Respondent is valued, well-liked and highly regarded, both personally and professionally.

There is no recent evidence of Respondent's abuse of cocaine. Testimony from persons who have known him during the last several months in Stamps indicates that he has always appeared normal and has been practicing good medicine.

The record also indicates that there is a need for a physician in Stamps, Arkansas. Although there are physicians in nearby areas, one practices part-time and the other is in the process of retiring.

In determining whether an applicant should be issued a DEA registration, entitling him to handle controlled

substances, the Administrator must view the relevant facts in light of the public interest. 21 U.S.C. 823(f) enumerates the various factors to be considered in determining whether the issuance of a registration would be consistent with the public interest. They include:

(1) The recommendation of the appropriate State licensing board of professional disciplinary authority.

(2) The applicant's experience in dispensing, or conducting research with respect to controlled substances.

(3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(4) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(5) Such other conduct which may threaten the public health and safety. 21 U.S.C. 823(f).

In this case the second, fourth and fifth factors are relevant. Since 1980, Respondent has had an extensive history of abusing controlled substances and was convicted of misdemeanor offenses which resulted from his drug abuse problems. He has also misused his previous DEA registration in that he ordered and obtained controlled substances for his personal abuse, rather than for legitimate medical purposes. He handled controlled substances in a state in which he was not registered by DEA. The facts underlying Respondent's conviction in Hot Springs, Arkansas, illustrate his bizarre and dangerous activities while he was under the influence of controlled substances. While abusing controlled substances, Respondent has been a threat to himself and to others. Such evidence is sufficient to find that Respondent's registration is inconsistent with the public interest.

The evidence of Respondent's attempts at rehabilitation has been minimal at best, and does not persuade the Administrator to alter his conclusion that Respondent's registration would be inconsistent with the public interest. His probation officer was not encouraged by Respondent's efforts. Two of Respondent's urine screens during probation were positive for the presence of cocaine. During the entire period of his probation, Respondent's only attempt at drug treatment and counseling lasted less than two weeks. Respondent's later drug counseling and psychotherapy under the direction of the Arkansas State Medical Board was also seen as unsuccessful by his treating psychiatrist. Respondent's psychiatrist stated that he was not ready for such treatment and was participating in the treatment only because of the Board's

order. In addition, urine screens performed by his psychiatrist revealed the presence of controlled substances on two occasions.

Respondent's only other evidence of rehabilitation has been the results of urine screens performed by Drs. Patton and Portis. The results of these screens are not dispositive. Many of the screens were not random in that Respondent knew, or should have known based upon their regularity, when they were going to be performed. Further, some of the tests only covered certain drugs, not always the drugs Respondent had a history of abusing.

Much of Respondent's own testimony at the administrative hearing cannot be construed in his favor. He has failed to fully accept the extent and seriousness of his drug abuse problems. At points in his testimony, he continued to blame his drug problems on others. For example, in explaining his reasons for injecting himself with Numorphan while working in a Missouri hospital ward, Respondent claimed that a nurse had given it to him.

The need for a physician in Respondent's area does not negate the Administrator's responsibility to register only those physicians who can be trusted to handle controlled substances responsibly. At this point, the Administrator is not convinced that Respondent is fully rehabilitated; nor has Respondent proven he can now be trusted to properly handle controlled substances.

On the contrary, Respondent's past abuse of controlled substances, his lack of adequate, concentrated drug therapy, and his denial of the seriousness of his drug problems lead the Administrator to conclude that Respondent cannot now be entrusted with a DEA Certificate of Registration. The Administrator concludes that Respondent's registration would be inconsistent with the public interest.

Consequently, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), the Administrator of the Drug Enforcement Administration (DEA), orders that the pending application for registration executed by Bradley Harbin, M.D., be, and it hereby is, denied.

This order is effective December 28, 1989.

Dated: December 18, 1989.

John C. Lawn,
Administrator.

[FR Doc. 89-30124 Filed 12-27-89; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 89-8]

Nick M. Higgins, D.D.S.; Grant of Limited Registration

On January 12, 1989, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Nick M. Higgins, D.D.S. (Respondent), of 13341 San Pedro, San Antonio, Texas 78230, proposing to deny his application, executed on October 10, 1988, for registration as a practitioner under 21 U.S.C. 823(f). The Order to Show Cause alleged that Respondent's registration would be inconsistent with the public interest.

Respondent requested a hearing on the issues raised by the Order to Show Cause and the matter was docketed before Administrative Law Judge Francis L. Young. Following prehearing procedures, a hearing was held on June 8 and 9, 1989, in San Antonio, Texas. On July 21, 1989, the administrative law judge issued his opinion and recommended ruling, findings of fact, conclusions of law and decision. Pursuant to 21 CFR 1316.66, on August 4, 1989, the Government filed exceptions to Judge Young's opinion and recommended decision. On August 31, 1989, the administrative law judge transmitted the record of these proceedings, including the Government's exceptions, to the Administrator. The Administrator has considered the record in its entirety and pursuant to 21 CFR 1316.67, hereby issues his final order in this matter based upon findings of fact and conclusions of law as hereinafter set forth. Respondent is a dentist who entered the United States Air Force upon finishing dental school. While in the Air Force, Respondent was trained to perform oral surgery. In 1984, he became chief of oral surgery at Goodfellow Air Force Base. During the time Respondent was stationed at Goodfellow Air Force Base, he began to abuse Demerol, or meperidine, a Schedule II narcotic controlled substance. As a result of an investigation conducted at Goodfellow Air Force Base, Respondent was brought to trial on several charges. In December 1986, before the court martial, Respondent plead guilty to the wrongful use of meperidine or Demerol, and the theft of some meperidine owned by the Federal Government. Respondent was convicted as a result of his guilty pleas. The sentence was that he be discharged from the Air Force and that he forfeit all pay and allowances.

In April 1986, prior to the court martial, Respondent enrolled in a drug abuse treatment program conducted by

the Army. After six weeks, he successfully completed the program. As part of his aftercare, Respondent was advised to continue participating in Alcoholics Anonymous or Narcotics Anonymous.

On March 17, 1987, Respondent submitted an application for a DEA Certificate of Registration in Schedules II-V. DEA considered Respondent's application in light of his conviction and drug treatment. Ultimately, an agreement was reached between Respondent, his attorney and DEA, regarding the application. The agreement, executed in November 1987, provided that DEA would issue Respondent a registration subject to certain conditions. One of the conditions of registration was that Respondent totally abstain from the use of all controlled substances unless properly prescribed by a physician.

During mid-1987, Respondent began working for a dentist in San Antonio, Texas. On or about March 31, 1988, Respondent broke into the drug storage cabinet at his place of employment, took 24 1cc vials of meperidine (50 mg./cc) and self-administered the entire amount. Respondent promptly told a representative of the Texas State Board of Dental Examiners what he had done. On April 8, 1988, Respondent admitted to a DEA investigator that he had taken the meperidine. As a result, Respondent voluntarily surrendered his DEA Certificate of Registration.

The Texas State Board of Dental Examiners issued a complaint against Respondent in light of his abuse of meperidine on March 31, 1988. On October 27, 1988, the Board issued its final order accepting Respondent's plea of no contest to the charges against him and placing Respondent's dental license on probation for five years subject to certain conditions, including the surrender of his Schedules II and IIN privileges. In addition, Respondent was ordered to remain in, and abide by, all of the mandates set by the Texas Dental Association Peer Assistance Program. As a result of the Board order, at the hearing in this matter, Respondent orally withdrew his request to be registered with DEA in Schedules II and IIN, since he is not authorized by the State of Texas to handle those substances.

The administrative law judge also found that after the March 31, 1988, incident, Respondent admitted himself to an in-patient addiction treatment program. After completion of the in-patient phase of the program, Respondent has continued with out-patient requirements of the program, including active participation in

Alcoholics Anonymous or Narcotics Anonymous groups, random drug screens and supervision by a certified drug abuse counselor.

In reviewing the factors listed in 21 U.S.C. 823(f), the administrative law judge noted that the Texas State Board of Dental Examiners found it appropriate for Respondent to be registered in Schedules III, IIN, IV and V. Judge Young further noted that Respondent had violated state, local and Federal laws by abusing controlled substances, however, these violations should be considered in the context of what Respondent is currently doing and where he is today. The administrative law judge found that Respondent is presently participating in a carefully designed and closely supervised ongoing, active program which appears well-tailored to give strong support and successful assistance in maintaining a continuing drug free recovery. At the time of the hearing, Respondent had been participating in this program for over a year and his drug abuse counselor considers Respondent to be committed to the program.

The administrative law judge concluded that it would not be inconsistent with the public interest for Respondent to have a DEA registration in Schedules III, IIN, IV and V, if the registration would be subject to certain conditions. First, within 60 days of June 9, 1989, the date of the hearing in this matter, Respondent should undertake in writing to continue in a recovery program for three years from June 9, 1989. This program is to be essentially similar to the recovery program that Respondent is presently participating in pursuant to his agreement with the Texas Dental Association Peer Assistance Program. The Texas program's requirements, as modified so as to be applicable to a DEA registration, would be as follows:

1. Remain abstinent from all alcohol and other mind-altering drugs except on rare occasions where drugs are prescribed by an addictionologist/M.D. or attending psychiatrist/M.D. in charge of the addicted person's treatment.
2. Attend at least three meetings per week of AA or NA and document with AA attendance logs.
3. If an impaired dentist/physician support group meets within a one hour drive from his residence, attend these meetings one time per week and document as an AA or NA meeting on the log. If the support group meetings are more than one hour's drive time from his residence, attend one such meeting a month and document.
4. Obtain a certified drug abuse counselor who agrees to file a quarterly progress report with the DEA San Antonio office and to

report any non-compliance with this program to the same office.

5. Surrender DEA controlled substance registration if its retention is likely to interfere with recovery as recommended by the certified drug abuse counselor.

6. Not only is attendance at AA or NA meetings required, but there must be a bona fide effort made to work actively all of the steps of the program within the first year of the period of this agreement as per the supervision of the certified drug abuse counselor.

7. Stay away from people, places, or things leading to a drink or a drug.

8. Submit and pay for surprise random drug screens at intervals established by the certified drug abuse counselor in consultation with the DEA San Antonio office. Copies of the results are to be filed immediately with the DEA San Antonio office by the counselor.

9. Be willing to be grateful for another day of sobriety by one daily act of kindness.

10. When in doubt about his fears or problems, call for help from his sponsor or counselor and be in touch at least once a day with that counselor.

The administrative law judge recommended that the second condition on which a limited DEA registration should be issued to Respondent is that within 60 days of June 9, 1989, Respondent should submit to DEA a written sworn statement executed by a certified drug abuse counselor. This statement would be essentially as follows:

I am a physician with a practice in the field of addiction medicine. I am certified by the American Medical Society on Alcoholism and other Drug Dependencies for American Society of Addiction.

With this letter I am assuming the responsibility of supervision of Dr. Nick M. Higgins' recovery process as well as his compliance with current and future conditions of his receiving his limited DEA registration.

I hereby voluntarily undertake the following duties:

1. To supervise the Recovery and Supervision Program heretofore agreed to by Dr. Nick M. Higgins as a condition of his being issued a limited DEA registration;

2. To administer surprise, random urinalysis to Dr. Nick M. Higgins either at the initiation of the DEA San Antonio office or on my own initiative whenever I deem appropriate;

3. To immediately report any evidence of drug usage or other violation of the Recovery and Supervision Program to the DEA San Antonio office; and

4. To truthfully answer under oath any inquiries which may be made of me by the DEA San Antonio office or its investigators and to file a quarterly report on Dr. Nick M. Higgins' progress with the DEA San Antonio office.

I further agree to make all such reports and documents available to the DEA San Antonio office regardless of any adverse consequences which may be occasioned to Dr. Nick M. Higgins. I understand my role in

the protection of society and accept the seriousness of the responsibility which has been entrusted to me. I agree to make all required reports under oath and subject to the penalties imposed by law for perjury.

The administrative law judge recommended that the third and final condition for issuance of a limited DEA registration is that within 60 days of June 9, 1989, Respondent should undertake, in writing, to be subject to certain of the provisions of the DEA Memorandum of Agreement that he entered into in 1987, as follows:

1. Dr. Higgins agrees to abide by all Federal, state and local laws and regulations relating to controlled substances.

2. Dr. Higgins agrees to submit to the DEA San Antonio office a log of all controlled substances which he prescribes, administers or dispenses in his practice. The report should include the date, name of patient, the name and quantity of the controlled substance that is prescribed, administered or dispensed. The log will be submitted on a quarterly basis for two years from the issuance of the DEA Certificate of Registration.

3. Dr. Higgins agrees to submit to the DEA San Antonio office a list of all DEA official order forms that he issues for purchases of Schedule II controlled substances. The log should include the date of the order, the name and quantity of the controlled substance ordered, the name of the place where the drug was ordered from, the date of receipt and the quantity received. The report will be submitted on a quarterly basis for two years from the date of issuance of the DEA Certificate of Registration.

4. Dr. Higgins agrees that DEA personnel may enter his office at any time during regular business hours without prior notice to verify compliance with this Memorandum of Agreement. He will permit entry of DEA personnel without an administrative inspection warrant or other means of entry.

5. Dr. Higgins agrees to notify the DEA San Antonio office prior to transferring his DEA Certificate of Registration to another address.

In his opinion, Judge Young recommended that if Respondent adheres to the conditions of registration set out above, Respondent should then be issued a DEA registration in Schedules III, IIN, IV and V. Judge Young further recommended that should Respondent not submit the statements required by the conditions of registration, Respondent's pending application for registration should be denied in its entirety.

On August 4, 1989, Government counsel filed exceptions to the opinion and recommended ruling of the administrative law judge. The Government first took exception to the administrative law judge's third condition for issuance of a limited registration, whereby Respondent must agree to be subject to certain provisions of the DEA Memorandum of Agreement

entered into in 1987. The Government points out that the administrative law judge does not specifically set a period of time that Respondent must be subject to the terms of the agreement. In his opinion, the administrative law judge does recommend that as the first condition for issuance of a limited registration, Respondent must agree to continue in a recovery program for three years from June 9, 1989, essentially similar to the recovery program Respondent is presently participating in pursuant to the agreement with the Texas Dental Association Peer Assistance Program. The Government contends in its exceptions, that Respondent should be subject to the provisions set forth in the 1987 Memorandum of Agreement for a period of three years from June 9, 1989, as well.

Secondly, the Government noted that the administrative law judge recommended that Respondent be required to submit a "list of all DEA official order forms that he issues for purchases of Schedule II controlled substances." The Government contends that since the administrative law judge recommended that Respondent be issued a Certificate of Registration in Schedules III-V, there is no need for Respondent to submit such a list.

Finally, the Government took exception to the fact that the administrative law judge made no recommendation regarding Schedule II privileges, other than that Respondent not be granted registration in that Schedule at the present time. Respondent's substance abuse problem has been with Demerol or meperidine, a Schedule II controlled substance. Testimony at the hearing indicated that Schedule III controlled substances are sufficient for Respondent to effectively perform all of his dental procedures. In addition, the Texas State Board of Dental Examiners presently only permits Respondent to be registered in Schedules III-V; however, testimony at the hearing indicated that respondent could be granted Schedule II privileges by the State of Texas at any time. Accordingly, the Government urged the Administrator to order that even if Respondent's Schedule II privileges are reinstated by the State of Texas, Respondent may not apply for a DEA registration in Schedules II and IIN during the three-year probationary period with DEA.

The Administrator has reviewed the record in its entirety and finds that Respondent has severely abused his privileges as a DEA registrant. The Administrator also finds, however, that Respondent has made and continues to

make a sincere effort to eliminate his addiction. The Administrator concludes that Respondent should be given an opportunity to change his life and to be a useful member of society. The administrative law judge recommended extensive conditions for Respondent to adhere to if granted a DEA registration. The Government, in its exceptions, suggested a few modifications to the administrative law judge's recommendation. It is the Administrator's understanding that Respondent has submitted the appropriate documentation to DEA regarding these conditions of registration. The Administrator adopts the recommendations of the administrative law judge as modified to include all of the proposals made by Government counsel in her exceptions.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 28 CFR 0.100(b), hereby orders that Respondent be issued a DEA Certificate of Registration in Schedules III, IIIN, IV and V subject to the above-described conditions until June 9, 1992. The Administrator further orders that Respondent not apply for Schedule II and IIN privileges until June 9, 1992. This order is effective December 28, 1989.

Dated: December 20, 1989.

John C. Lawn,
Administrator.

[FR Doc. 89-30125 Filed 12-27-89; 8:45 am]
BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-23,615]

Andrew T. Johnson Company, Inc., Boston, MA; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on November 20, 1989 in response to a petition which was filed on November 20, 1989 on behalf of workers and former workers at Andrew T. Johnson Company, Incorporated, Boston, Massachusetts. The workers produce graphics and blueprints for architects.

The Department determined that the petition for Trade Adjustment Assistance for workers at Andrew T. Johnson Company, Incorporated, Boston, Massachusetts (TA-23,615) was not valid because two of the signatures were not authentic and the one worker

signature that was authentic was not a company official or a worker representative. Since the petitioning group of workers do not have a valid petition, the Department can not proceed with its investigation to determine whether the workers of Andrew T. Johnson Company, Incorporated, Boston, Massachusetts meet the eligibility requirements for Trade Adjustment Assistance, therefore the investigation has been terminated.

Signed at Washington, DC this 19th day of December 1989.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 89-30154 Filed 12-27-89; 8:45 am]

BILLING CODE 4510-30-M

Atlas Wireline Service and Atlas Wireline McCullough; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In the matter of Atlas Wireline Service (formerly Dresser Atlas)

TA-W-20,980 Alice, Texas
TA-W-20,982 Laredo, Texas
TA-W-20,982A all other locations in Texas
TA-W-20,982B all locations in North Dakota
TA-W-20,982C all locations in New Mexico
TA-W-20,982D all locations in Utah
TA-W-20,982E all locations in California
TA-W-20,982F all locations in Oklahoma
TA-W-20,982G all locations in Louisiana
TA-W-20,982H all locations in Mississippi
TA-W-20,982I all locations in Colorado
TA-W-20,982J all locations in Illinois
TA-W-20,982K all locations in Kentucky
TA-W-20,982L all locations in Alaska

Atlas Wireline McCullough (formerly NL Industries)

TA-W-20,981 Alice, Texas
TA-W-20,983 Laredo, Texas
TA-W-20,983A all other locations in Texas
TA-W-20,983B all locations in North Dakota
TA-W-20,983C all locations in New Mexico
TA-W-20,983D all locations in Utah
TA-W-20,983E all locations in California
TA-W-20,983F all locations in Oklahoma
TA-W-20,983G all locations in Louisiana
TA-W-20,983H all locations in Mississippi
TA-W-20,983I all locations in Colorado

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on November 14, 1988 applicable to all workers of Atlas Wireline Service and Atlas Wireline McCullough both in Alice and Laredo, Texas. The certification was amended on June 6, 1989 and published in the Federal Register on June 20, 1989 (54 FR 25917).

The Department, on its own motion, is amending the certification to reflect the proper impact date for workers of Atlas

Wireline McCullough. Under the original certification, workers at Atlas Wireline McCullough, Alice, Texas were certified eligible to apply for adjustment assistance with an impact date of October 1, 1985. The amended certification issued on June 6, 1989 incorrectly amended the impact date to January 1, 1988 for workers of Atlas Wireline McCullough, Alice, Texas and to Atlas Wireline McCullough workers in North Dakota, New Mexico, Utah, Oklahoma, California, Louisiana, Mississippi, Colorado and other locations in Texas except Laredo. Accordingly, the impact date for workers at Atlas Wireline McCullough in all locations except Laredo, Texas is amended from January 1, 1988 to October 1, 1985.

The amended notice applicable to TA-W-20,980; TA-W-20,981; TA-W-20,982 and TA-W-20,983 is hereby issued as follows:

All workers of Atlas Wireline Service, formerly Dresser Atlas, in Alice and Laredo, Texas and in all other locations of Texas and in all locations in the States of North Dakota, New Mexico, Utah, California, Oklahoma, Louisiana, Mississippi, Colorado, Illinois, Kentucky and Alaska who became totally or partially separated from employment on or after October 1, 1985 and all workers of Atlas Wireline McCullough (formerly NL Industries) in Alice, Texas and all other locations in Texas except Laredo, Texas and in all locations in the States of North Dakota, New Mexico, Utah, California, Oklahoma, Louisiana, Mississippi and Colorado who became totally or partially separated on or after October 1, 1985 and all workers of Atlas Wireline McCullough in Laredo, Texas who became totally or partially separated from employment on or after January 1, 1988 are eligible to apply for adjustment assistance under Section 222 of the Trade Act of 1974.

Signed at Washington, DC, this 15th day of December 1989.

Stephen A. Wandner,

Deputy Director, Office of Legislation and Actuarial Services, U.S.

[FR Doc. 89-30155 Filed 12-27-89; 8:45 am]

BILLING CODE 4510-30-M

Celsius Energy Co.; Negative Determination Regarding Application for Reconsideration

TA-W-23,215 Denver, CO
TA-W-23,285 Salt Lake City, UT

By applications dated November 21 and December 8, 1989, former worker of Celsius Energy Company requested administrative reconsideration of the subject petition for trade adjustment assistance. The denial notice was signed on October 25, 1989 and published in the

Federal Register on November 9, 1989 (54 FR 47149)

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The former workers were engaged in exploration and drilling activities and state that the Department's denial notice is in error by claiming that the workers produce an article. Further, the former workers imply that the Department is inconsistent by certifying workers of other exploration companies and denying the workers at Celsius Energy.

The 1988 amendments to the Trade Act of 1974 contained in the Omnibus Trade and Competitiveness Act (OTCA) extended eligibility for trade adjustment assistance (TAA) to workers of independent firms performing the service of drilling or exploration to unaffiliated firms in the oil and gas industry. However, the investigation findings show that Celsius Energy is a subsidiary of Questar and is engaged in exploration and drilling for crude oil and natural gas for production companies affiliated with Questar.

In order for workers in affiliated firms like Celsius Energy to be certified eligible for adjustment assistance, their separations must be caused by a reduced demand for their services from a parent firm, a firm otherwise related to the subject firm by ownership or control. In any case the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and the reduction must directly relate to the product impacted by imports. These conditions have not been met for workers of Celsius Energy. None of the workers of the producing facilities for which Celsius provides services is currently certified as eligible to apply for adjustment assistance benefits.

If exploration and drilling workers were certified for adjustment assistance in the firms cited on the application, it is because they provided oil and gas drilling and exploration services either to unaffiliated firms in the oil and gas industry like Louisiana Land or were part of an affiliated integrated production unit whose production

workers independently met the group eligibility requirements of the Trade Act.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 20th day of December, 1989.

Stephen A. Wandner,

Deputy Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 89-30156 Filed 12-27-89; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-23,316]

Litton Panelvision, Pittsburgh, PA; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at Litton Panelvision, Pittsburgh, Pennsylvania. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-23,316; Litton Panelvision, Pittsburgh, Pennsylvania (December 14, 1989).

Signed at Washington, DC, this 20th day of December 1989.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 89-30157 Filed 12-27-89; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-23,584]

O & K Trojan Industries, Inc., Batavia, NY; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on November 6, 1989 in response to a worker petition received on November 6, 1989 which was filed by the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers, and Helpers, Local Lodge 78, on behalf of workers at O & K Trojan Industries, Inc., Batavia, New York.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would

serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 19th day of December 1989.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 89-30158 Filed 12-27-89; 8:45 am]

BILLING CODE 4510-30

[TA-W-23,366]

Schindler Elevator Corp., Toledo, OH; Affirmative Determination Regarding Application for Reconsideration

By a letter dated December 1, 1989, Local #20 of the Teamsters Union requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for workers and former workers of Schindler Elevator Corporation, Toledo, Ohio. The negative determination was issued on November 6, 1989 and published in the Federal Register on November 28, 1989 (54 FR 48954).

The union claims, among other things, that the company is replacing its OH, EK, 153, 302, 402 and 601 machines in its elevator assemblies with imported machines. These machines are the principal parts of the elevator assemblies. The union also claims that several other components were replaced with imported components.

Conclusion

After careful review of the application, I conclude that the claims are of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 20th day of December 1989.

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 89-30159 Filed 12-27-89; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-23, 159]

Teleflex Inc. Marine Division, Limerick, PA; Negative Determination on Reconsideration

On December 8, 1989, the Department issued an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of the Marine Division of

Teleflex, Incorporated, Limerick, Pennsylvania.

Local #644 of the United Auto Workers (UAW) questioned the accuracy of the Department's survey especially with regard to indirect imports—domestic firms importing cables subassemblies and other component parts and selling them to the subject firm's customers.

The Department's denial on the instant petition was based on the fact that the "contributed importantly" test of the Group Eligibility Requirements of the Trade Act was not met. The Department's survey showed that none of the major declining customers of Teleflex purchased imported flexible conduits and cable controls in 1987, 1988, and in the first six months of 1989.

Findings on reconsideration show that the Limerick facility had increased sales and production in 1988 compared to 1987.

Other findings on reconsideration show that to the extent that the subject firm's customers purchased imported components and sub-assemblies from domestic firms, these purchases declined in the first half of 1989 compared to the same period in 1988. Many of these customers commented that their business was down in 1989 compared to 1988. Other findings show that the National Association of Marine Manufacturers stated that the pleasure boat industry experienced a decline in business in 1989 compared to 1988.

Lastly, the component issue was addressed early in the administration of the worker adjustment assistance program. In *United Shoe Workers of America, AFL-CIO v. Bedell*, 506 F.2d (D.C. Cir. 1974) the court held that imported finished women's shoes were not like or directly competitive with shoe components—shoe counters. Accordingly, increased imports of subassemblies and other component parts cannot be considered in determining import injury to workers producing flexible conduit and cable controls. Imports of components are not like or directly competitive with the finished articles produced at the workers' firm.

Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for adjustment assistance to workers and former workers of the Marine Division of Teleflex, Inc., Limerick, Pennsylvania.

Signed at Washington, DC, this 15th day of December 1989.

Stephen A. Wandner,

Deputy Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 89-30160 Filed 12-27-89; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-23,126]

Universal Resources Corp.; Oklahoma City, OK; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at Universal Resources Corporation, Oklahoma City, Oklahoma. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-23,126; Universal Resources Corporation, Oklahoma City, Oklahoma (December 1, 1989).

Signed at Washington, DC this 29th day of December 1989.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 89-30161 Filed 12-27-89; 8:45 am]

BILLING CODE 4510-30-M

Job Training Partnership Act; Employment and Training Assistance for Dislocated Workers; Reallotment of Title III Funds

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor is publishing for public information the revised amounts of Job Training Partnership Act Title III (Employment and Training Assistance for Dislocated Workers) funds identified by States for reallotment, and the amount to be reallotted to eligible States.

EFFECTIVE DATE: December 28, 1989.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert N. Colombo, Director, Office of Employment and Training Programs, Employment and Training Administration, Department of Labor, Room N-4469, 200 Constitution Avenue NW., Washington, DC 20210. Telephone: 202-535-0577 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Title III of the Job Training Partnership Act (JTPA of the Act), as amended by the

Economic Dislocation and Worker Adjustment Assistance Act (EDWAA), directs the Secretary of Labor (Secretary) to deobligate funds from States identified pursuant to section 303(b) of the Act, and to reallot and reobligate such funds by a Notice of Obligation (NOO) adjustment to current year funds to "eligible States" and "eligible high unemployment States" as set forth in sections 303(a), (b), and (c) of JTPA. 29 U.S.C. 1653. The reallotment process was described in training and Employment Guidance Letter No. 4-88, dated November 25, 1988, Subject: Reallotment and Reallocation of Funds under Title III of the Job Training Partnership Act (JTPA), as Amended. 53 FR 48737 (December 2, 1988).

Amounts reallotted were identified in a Federal Register notice, Subject: Job Training Partnership Act; Employment and Training Assistance for Dislocated Workers; Reallotment of Title III Funds. 54 FR 46483 (November 3, 1989). NOO adjustments were issued to adjust the Program Year (PY) 1989 (July 1, 1989—June 30, 1990) formula allotments in accordance with expenditure reports submitted to the Secretary by the States pursuant to Training and Employment Information Notice No. 30-88, dated May 18, 1989, Subject: Job Training Partnership Act (JTPA) Title III Financial Data. Amended reports require revisions to the reallotted amounts, which are contained in this notice.

Pursuant to the provisions of section 303(b) of JTPA and the limitations on carry-over imposed by section 6305(e) of EDWAA, the funds reallotted are an amount equal to the sum of unexpended funds in excess of 30 percent of the PY 1988 formula allotments and all unexpended funds made available by formula for PY 1987. 29 U.S.C. 1653(b); Sec. 6305(e), Pub. L. 100-418 (August 23, 1988), 29 U.S.C. 1653 note. Such reallotted funds are from PY 1989 allotments made available by formula and, as stated above, result in either upward or downward adjustments to PY 1989 allotments.

Unemployment Data

The unemployment data used in the formula for reallotments, relative numbers of unemployed, and relative numbers of excess unemployed were for the July 1988 through June 1989 period. Long-term unemployment data used were for calendar year 1988. The determination of "eligible high unemployment States" for the reallotment of excess unexpended funds was also based on unemployment data for the period July 1988 through June

1989, with all average unemployment rates rounded to the nearest tenth of one percent. The unemployment data were provided by the Bureau of Labor Statistics, based on the Current Population Survey.

The table below is a distribution of the net changes to PY 1989 formula allotments.

Explanation of Table

Column 1: This column shows each State's unemployment rate for the 12 months ending June 1989.

Column 2: This column shows the amount of excess funds (unexpended PY 1988 funds in excess of 30 percent of the State's PY 1988 allotment and/or unexpended PY 1987 formula-allotted funds), which are subject to reallocation. PY 1989 funds in an amount equal to the excess funds identified are being deobligated and distributed as discussed below.

Column 3: This column shows total excess funds distributed among all "eligible States" by applying the regular Title III formula. "Eligible States" are those States that had no excess funds, according to the reports submitted.

Column 4: Eligible States with unemployment rates higher than the national average, which was 5.4 percent for the 12-month period, are "eligible

high unemployment States." These eligible high unemployment States receive amounts equal to their share of the excess funds (the amounts shown in column 3) according to the regular Title III formula. This is Step 1 of the reallocation process. These amounts are shown in column 4.

Column 5: The remaining share of available funds (\$3,259,551) for eligible States with unemployment rates less than or equal to the national average is distributed among all eligible States, again using the regular Title III allotment formula. This is Step 2 of the reallocation process. These amounts are shown in column 5.

Column 6: Net changes in PY 1989 formula allotment are presented. This column represents the decreases in Title III funds shown in column 2, and the increases in Title III funds shown in columns 4 and 5.

Column 7: This column presents changes based on unamended reports received previously and is identical to column 6 of the November 3, 1989 Federal Register notice. 54 FR 46483. NOOs in the amounts shown in column 7 have been issued to the States and other jurisdictions listed.

Column 8: This column represents differences between columns 6 and 7.

NOOs in the amounts shown in column 8 are being issued to the States and other jurisdictions listed.

Equitable Procedures

Pursuant to section 303(d) of the Act, Governors of States required to make funds available for reallocation shall prescribe equitable procedures for making funds available from the State and substate grantees. 29 U.S.C. 1653(d).

Distribution of Funds

Funds are being reallocated by the Secretary in accordance with section 303 (a), (b), and (c) of the Act and section 6305(e) of EDWAA, using the factors described in section 302(b) of the Act. 29 U.S.C. 1652(b) and 1653 (a), (b), and (c); Sec. 6305(e), Pub. L. 100-418 (August 23, 1988), 2a U.S.C. 1653 note. Distribution of funds within States and other jurisdictions shall be in accordance with section 302(c) and (d) of the Act (29 U.S.C. 1652(c) and (d)), and the JTPA regulations at 20 CFR 631.12(d), 54 FR 39118, 39140 (September 22, 1989).

Signed at Washington, DC this 21st day of December, 1989.

Roberts T. Jones,

Assistant Secretary of Labor.

BILLING CODE 4510-30-M

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION
 PY 1989 JTPA TITLE III REALLOTMENT TO STATES
 22-Dec-89

	COL 1	COL 2	COL 3	COL 4	COL 5	COL 6	COL 7	COL 8
Alabama	7.3	0	327,354	327,354	121,270	448,624	418,489	30,135
Alaska	8.7	0	56,781	56,781	21,035	77,816	72,750	5,066
Arizona	6.0	0	181,070	181,070	67,078	248,148	230,500	17,648
Arkansas	7.5	502,633	0	0	0	(502,633)	(502,633)	0
California	5.2	0	1,070,762	0	396,668	396,668	386,427	10,241
Colorado	6.3	0	225,244	225,244	83,443	308,687	286,884	21,803
Connecticut	3.1	0	57,854	0	21,432	21,432	20,592	840
Delaware	3.1	49,140	0	0	0	(49,140)	(49,140)	0
District of Columbia	5.2	0	24,541	0	9,091	9,091	8,871	220
Florida	5.3	4,412,742	0	0	0	(4,412,742)	(4,412,742)	0
Georgia	5.4	0	290,313	0	107,547	107,547	105,078	2,469
Hawaii	3.2	0	16,178	0	5,993	5,993	5,755	238
Idaho	5.4	0	39,841	0	14,759	14,759	14,424	335
Illinois	6.1	0	738,669	738,669	273,643	1,012,312	939,354	72,958
Indiana	4.7	0	152,256	0	56,404	56,404	54,438	1,966
Iowa	4.1	0	73,456	0	27,212	27,212	26,164	1,048
Kansas	4.6	0	65,166	0	24,141	24,141	23,273	868
Kentucky	7.1	0	298,381	298,381	110,537	408,918	380,972	27,946
Louisiana	10.4	0	623,403	623,403	230,942	854,345	799,345	55,000
Maine	3.7	0	21,646	0	8,019	8,019	7,700	319
Maryland	4.1	0	107,710	0	39,902	39,902	38,334	1,568
Massachusetts	3.5	0	100,868	0	37,367	37,367	35,863	1,504
Michigan	7.0	0	774,998	774,998	287,101	1,062,099	988,777	73,322
Minnesota	4.3	0	105,629	0	39,131	39,131	37,598	1,533
Mississippi	8.9	0	264,871	264,871	98,122	362,993	339,990	23,003
Missouri	5.6	0	260,425	260,425	96,475	356,900	330,081	26,819
Montana	6.3	0	54,938	54,938	20,352	75,290	69,919	5,371
Nebraska	3.2	0	28,343	0	10,500	10,500	10,089	411
Nevada	5.0	0	39,877	0	14,773	14,773	14,359	414
New Hampshire	2.7	0	13,846	0	5,129	5,129	4,920	209
New Jersey	3.8	0	155,079	0	57,450	57,450	55,187	2,263
New Mexico	7.1	0	114,629	114,629	42,465	157,094	146,470	10,624
New York	4.7	394,708	0	0	0	(394,708)	175,763	(570,471)
North Carolina	3.5	0	115,641	0	42,840	42,840	41,131	1,709
North Dakota	4.6	0	19,074	0	7,066	7,066	6,819	247
Ohio	5.6	0	570,366	570,366	211,294	781,660	722,510	59,150
Oklahoma	6.2	0	203,918	203,918	75,542	279,460	259,440	20,020
Oregon	5.5	0	128,228	128,228	47,502	175,730	162,598	13,132
Pennsylvania	4.6	0	356,552	0	132,086	132,086	127,361	4,725
Puerto Rico	14.4	64,584	0	0	0	(64,584)	(64,584)	0
Rhode Island	3.3	0	14,618	0	5,415	5,415	5,193	222
South Carolina	4.3	0	72,612	0	26,899	26,899	25,834	1,065
South Dakota	4.0	0	17,092	0	6,332	6,332	6,088	244
Tennessee	5.7	0	225,698	225,698	83,611	309,309	286,733	22,576
Texas	6.8	3,374,999	0	0	0	(3,374,999)	(3,374,999)	0
Utah	4.5	0	36,743	0	13,611	13,611	13,095	516
Vermont	3.0	0	7,490	0	2,775	2,775	2,661	114
Virginia	3.9	0	117,473	0	43,518	43,518	41,789	1,729
Washington	5.9	0	251,453	251,453	93,152	344,605	319,878	24,727
West Virginia	8.8	0	207,976	207,976	77,045	285,021	265,797	19,224
Wisconsin	4.1	0	138,891	0	51,453	51,453	49,499	1,954
Wyoming	6.4	0	30,853	30,853	11,429	42,282	39,306	2,976
NATIONAL TOTAL	5.4	8,798,806	8,798,806	5,539,255	3,259,551	0	0	0

Mine Safety and Health Administration

[Docket No. M-89-183-C]

Dated: December 19, 1989.

[Docket No. M-89-25-M]

Bad Creek Constructors; Petition for Modification of Application of Mandatory Safety Standard

Bad Creek Constructors, Highway 130 North, P.O. Box 239, Salem, South Carolina 29676 has filed a petition to modify the application of 30 CFR 56.9300(d) (berms or guardrails) to its Bad Creek Constructors Mine (I.D. No. 38-00605) located in Oconee County, South Carolina. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows: 1. The petition concerns the requirement that berms or guardrails be provided on elevated roadways.

2. As an alternate method, in lieu of providing berms or guardrails on elevated roadways, petitioner proposes the following:

(a) A locked gate would be installed at the entrance to the roadway;

(b) Signs would be installed stating that the speed limit is 10 miles per hour; and that the roadway is not bermed;

(c) Delineators (reflectors) would be installed along the perimeter of the elevated roadway 25 feet apart; and

(d) The road surface would be maintained for proper traction.

3. In support of this request, petitioner states that the elevated roadway is infrequently traveled by service and maintenance vehicles.

4. For these reasons, petitioner requests modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before January 29, 1990. Copies of the petition are available for inspection at that address.

Dated: December 21, 1989.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 89-30163 Filed 12-27-89; 8:45 am]

BILLING CODE 4510-43-M

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, Consol Plaza, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 77.900 (low- and medium-voltage circuits serving portable or mobile three-phase alternating current equipment; circuit breakers) to its Burning Star No. 2 Mine (I.D. No. 11-00610) and its Burning Star No. 4 Mine (I.D. No. 11-02024) both located in Perry County, Illinois. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows: 1. The petition concerns the requirement that low- and medium-voltage circuits supplying power to portable or mobile three-phase alternating current equipment be protected by suitable circuit breakers of adequate interrupting capacity which are properly tested and maintained and equipped with devices to provide protection against undervoltage, grounded phase, short circuit, and over-current.

2. As alternate method petitioner proposes the following procedures:

(a) The ground-phase protection required by the standard would be provided by dropping out a magnetic motor starter in lieu of tripping a circuit breaker; and

(b) The short-circuit protection would be provided by a circuit breaker. The undervoltage protection would be provided by the magnetic motor starter which has been permitted by MSHA for some time. Overload protection would be provided by the magnetic motor starter and the circuit breaker.

3. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before January 29, 1990. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 89-30164 Filed 12-27-89; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-89-179-C]

Deer Creek Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Deer Creek Mining Company, P.O. Box 97, Nortonville, Kentucky 42442 has filed a petition to modify the application of 30 CFR 75.330 (sealing abandoned sections) to its Deer Creek Mine (I.D. No. 15-12958) located in Webster County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows: 1. The petition concerns the requirement that abandoned areas of the mine be isolated from the active workings of mine with explosion-proof seals or bulkheads.

2. Due to an excessive water buildup and a roof fall, the First West panel of the mine has been abandoned.

3. As an alternate method, petitioner proposes to use water to seal the First West panel.

4. In support of this request petitioner states that—(a) The First West panel was developed parallel to and down the coal dip, and any water buildup would result in total panel flooding with the exception of a limited number of crosscuts in the panel's north submains. This water buildup would act as a natural seal of the panel; and (b) The intake airflow over the roof fall would be monitored for methane prior to each shift.

5. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before January 29, 1990. Copies of the petition are available for inspection at that address.

Dated: December 21, 1989.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 89-30165 Filed 12-27-89; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-89-185-C]

Skyview Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Skyview Coal Company, R.D. No. 1, Box 526, Pine Grove, Pennsylvania 17963 has filed a petition to modify the application of 30 CFR 75.301 (air quality, quantity, and velocity) to its Diamond Slope Mine (I.D. No. 36-07589) located in Schuylkill County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows: 1. The petition concerns the requirement that the minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms be 9,000 cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line be 9,000 cubic feet a minute. The minimum quantity of air reaching each working face is required to be 3,000 cubic feet a minute.

2. Air sample analysis history reveals that harmful quantities of methane are nonexistent in the mine. Ignition, explosion, and mine fire history are nonexistent for the mine. There is no history of harmful quantities of carbon monoxide and other noxious or poisonous gases.

3. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

4. Requiring extremely high velocities in small cross-sectional airways and manways in friable anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners and cause extremely uncomfortable damp and cold conditions in the mine.

5. As an alternate method, petitioner proposes that: (a) The minimum quantity of air reaching each working face be 1,500 cubic feet per minute; (b) The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries be 5,000 cubic feet per minute; and (c) The minimum quantity of air reaching the intake end of a pillar line be 5,000 cubic feet per minute, or whatever additional quantity of air that may be required in any of

these areas to maintain a safe and healthful mine atmosphere.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before January 29, 1990. Copies of the petition are available for inspection at that address.

Dated: December 18, 1989.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 89-30166 Filed 12-27-89; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-89-173-C]

Underground Coal, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Underground Coal, Inc., 2103 Cosby Road, P.O. Box 740, Washington, Indiana 47501 has filed a petition to modify the application of 30 CFR 75.1105 (housing of underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps) to its Apraw Mine (I.D. No. 12-01988) located in Knox County, Indiana. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows: 1. The petition concerns the requirements that battery-charging stations be housed in fireproof structures or areas and air currents used to ventilate structures or areas enclosing electrical installations be coursed directly into the return.

2. In lieu of housing battery-charging stations in fireproof structures or areas, petitioner proposes the following: (a) The charging stations would be attended and inspected every 30 minutes; (b) A carbon-monoxide monitor would be installed and maintained, and would be located in the return airway outby the farthest charging station from the working face; and farthest charging station from the working face; and

(c) Air used to ventilate the stations would be coursed directly into the return with the aid of wing curtains.

3. Petition states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before January 29, 1990. Copies of the petition are available for inspection at that address.

Dated: December 21, 1989.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 89-30168 Filed 12-27-89; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-89-182-C]

Soldier Creek Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Soldier Creek Coal Co., P.O. Box 1, Price, Utah 84501, has filed a petition to modify the application of 30 CFR 75.326 (aircourses and belt haulage entries) to its Soldier Canyon Mine (I.D. No. 42-00077) located in Carbon County, Utah. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that entries used as intake and return aircourses be separated from belt haulage entries, and that belt haulage entries not be used to ventilate active working places.

2. As an alternate method, petitioner proposes to use a two-entry system as outlined in the petition for (a) longwall panel gateroad development in which the belt haulage entry would act as a return aircourse and (b) longwall panel retreat mining in which the belt haulage entry could be used in compliance with 30 CFR 75.326 or as an additional intake aircourse for longwall face ventilation.

3. An atmospheric monitoring system utilizing low-level carbon monoxide or other product of combustion monitors would be installed in the panel intake entry and the panel belt entry used as a return aircourse. In addition to early control, the alarm system associated with these monitors would provide early

warning of a fire in either the intake or belt entries.

4. In addition to the carbon monoxide monitoring devices installed in the belt haulage entry, approved methane monitors would be installed so that the return air is monitored near the mouth of the longwall section near the tailpiece of the belt conveyor, and at or near any secondary belt drive unit installed in the belt haulage entry.

5. The use of the belt entry as an additional intake, coupled with the installation of stoppings separating the belt entry from the primary intake entry, would provide two separate and distinct intake air escapeways to the miners working in the longwall working section.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard, while compliance with the standard will result in a diminution of safety to the miners affected.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before January 29, 1990. Copies of the petition are available for inspection at that address.

Dated: December 21, 1989.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 89-30167 Filed 12-27-89; 8:45 am]

BILLING CODE 4510-43-M

Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 89-104; Exemption Application No. D-7902 et al.]

Grant of Individual Exemptions; Ohio Bank & Savings Company Profit Sharing Plan, et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of Individual Exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, DC. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Ohio Bank and Savings Company Employees' Profit Sharing Plan and Trust (the Plan) Located in Findlay, Ohio

[Prohibited Transaction Exemption 89-104; Exemption Application No. D-7902]

Exemption

The restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to (1) the purchase by the Plan of certain real property (the Property) located in Findlay, Ohio, which is leased to the Ohio Bank and

Savings Company (the Employer), the sponsor of the Plan; (2) the lease of the Property by the Plan to the Employer; and (3) the potential purchase of the Property by the Employer from the Plan pursuant to the terms of such lease; provided that all terms of such transactions are no less favorable to the Plan than those which the Plan could obtain in arm's-length transactions with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on Tuesday, October 31, 1989, at 54 FR 45818.

FOR FURTHER INFORMATION CONTACT: Ronald Willett of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Capital Guardian Trust Company (Capital Guardian) Located in Los Angeles, CA

[Prohibited Transaction Exemption 89-105; Application No. D-7929]

Exemption

The restrictions of section 406(b)(2) of the Act shall not apply to the cross-trading of securities by Capital Guardian for employee benefit plan accounts (Plans) for which Capital Guardian acts as a fiduciary.

Conditions and Definitions

1. This exemption is subject to the following conditions:

(a) A Plan's participation in the cross-trade program is subject to a written authorization executed in advance by a fiduciary with respect to each such Plan, the fiduciary of which is independent of Capital Guardian;

(b) The authorization referred to in paragraph (a) is terminable at will without penalty to such Plan, upon receipt by Capital Guardian or written notice of termination and;

(c) Before an authorization is made, the authorizing Plan fiduciary must be furnished with any reasonably available information necessary for the authorizing fiduciary to determine whether the authorization should be made, including (but not limited to) a copy of this exemption, an explanation of how the authorization may be terminated, a description of Capital Guardian's cross-trade practices, and any other reasonably available information regarding the matter that the authorizing fiduciary requests;

2. (a) No more than three (3) business days prior to the execution of any cross-trade transaction, Capital Guardian

must inform an independent fiduciary of each Plan involved in the cross-trade transaction: (i) That Capital Guardian proposes to buy or sell specified securities in a cross-trade transaction if an appropriate opportunity is available; (ii) the current trading price for such securities; and (iii) the total number of shares to be acquired or sold by each such Plan;

(b) Prior to each cross-trade transaction, the transaction must be authorized either orally or in writing by the independent fiduciary of each Plan involved in the cross-trade transaction;

(c) If a cross-trade transaction is authorized orally by an independent fiduciary, Capital Guardian will provide written confirmation of such authorization in a manner reasonably calculated to be received by such independent fiduciary within one (1) business day from the date of such authorization;

(d) The authorization referred to in this paragraph (2) will be effective for a period of three (3) business days; and

(e) No more than ten (10) days after the completion of a cross-trade transaction, the independent fiduciary authorizing the cross-trade transaction must be provided a written confirmation of the transaction and the price at which the transaction was executed;

3. (a) The cross-trade transaction is effected at the closing price for the security on the date of the transaction, and such price is within 10 percent of the closing price of the security on the day before the date on which Capital Guardian receives authorization by the independent Plan fiduciary to engage in the cross-trade transaction;

(b) The securities involved in the cross-trade transaction are those for which there is a generally recognized market; and

(c) The cross-trade transaction is affected only where the trade involves less than 5 percent of the aggregate average daily trading volume of the securities which are the subject of the transaction or the week immediately preceding the authorization of the transaction;

4. (a) Capital Guardian furnishes the authorizing Plan fiduciary at least once every three months, and not later than 45 days following the period to which it related, a report disclosing: (i) a list of all cross-trade transactions engaged in on behalf of the Plan; and (ii) with respect to each cross-trade transaction, the highest and lowest prices at which the securities involved in the transaction were traded on the date of such transaction; and

(b) The authorizing Plan fiduciary is furnished with a summary of the

information required under this paragraph 4(a) at least once per year. The summary must be furnished within 45 days after the end of the period to which it relates, and must contain the following: (i) A description of the total amount of Plan assets involved in cross-trade transactions during the period; (ii) a description of Capital Guardian's cross-trade practices, if such practices have changed materially during the period covered by the summary; (iii) a statement that the Plan fiduciary's authorization of cross-trade transactions may be terminated upon receipt by Capital Guardian of the fiduciary's written notice to that effect; and (iv) a statement that the Plan fiduciary's authorization of the cross-trade transactions will continue in effect unless it is terminated;

5. The cross-trade transaction does not involve assets of any Plan established or maintained by Capital Guardian or any of its affiliates;

6. All Plans which will participate in the cross-trade program will have total assets of at least \$25 million;

7. Capital Guardian receives no fee or other compensation (other than its agreed investment management fee) with respect to any cross-trade transaction;

8. Capital Guardian is a discretionary investment manager with respect to Plans participating in the cross-trade program;

9. For purposes of this exemption:

(a) "cross-trade" transaction means a purchase and sale of securities between accounts for which Capital Guardian or an affiliate of Capital Guardian is acting as a trustee or investment manager.

(b) "affiliate" means any person directly or indirectly through one or more intermediaries, controlling, controlled by, or under common control with Capital Guardian;

(c) "Plan account" means an account holding assets of one or more employee benefit plans which are subject to the Act, for which Capital Guardian acts as a fiduciary.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on October 31, 1989 at 54 FR 45620.

FOR FURTHER INFORMATION CONTACT: Ms. B.S. Scott of the Department, telephone (202) 523-8883. (This is not a toll-free number.)

Liberty House Restaurant Corporation Profit Sharing Plan (the Plan) Located in Atlanta, Georgia

[Prohibited Transaction Exemption 89-106; Application No. D-7968]

Exemption

The restrictions of section 406(a), (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the Plan's proposed cash sale (the Sale) of certain improved real property (the Property) located in Atlanta, Georgia to Richard Lewis (the Applicant), a party in interest with respect to the Plan; provided that the cash consideration paid on the date of the Sale by the Applicant to the Plan is the greater of either the appraised fair market value of the Property or the Plan's aggregate cost of acquisition, financing and holding of the Property as of the date of the Sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on November 3, 1989 at 54 FR 46487.

FOR FURTHER INFORMATION CONTACT:

Mrs. B.S. Scott of the Department, telephone (202) 523-8883. (This is not a toll-free number.)

Ocmulgee Fields, Inc. Profit Sharing Plan and Trust (the Plan) Located in Macon, Georgia

[Prohibited Transaction Exemption 89-107; Application No. D-7996]

Exemption

The restrictions of section 406(a) and (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the Plan's proposed cash sale (the Sale) to Ocmulgee Fields, Inc. (the Employer), the Plan's sponsor and, as such, a party in interest with respect to the Plan, of a certain parcel of improved real property located in Macon, Georgia; provided that the terms and conditions of the proposed Sale are at least as favorable to those obtainable by the Plan in an arm's length transaction between unrelated parties.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on November 3, 1989 at 54 FR 46489.

FOR FURTHER INFORMATION CONTACT:

Mrs. B.S. Scott of the Department, telephone (202) 523-8883. (This is not a toll-free number.)

Samuel Shapiro & Co., Inc. Profit Sharing Trust (the Plan) Located in Baltimore, Maryland

[Prohibited Transaction Exemption 89-108; Exemption Application No. D-8072]

Exemption

The restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed sale by the Plan of common stock of Samuel Shapiro & Co. (of D.C.), Inc. (the D.C. Company), to Samuel Shapiro & Co., Inc. (the Company), the sponsor of the Plan and a Subchapter S Corporation under the Code, in connection with the proposed merger of the Company and the D.C. Company, provided that the sales price for the stock is not less than the fair market value of the stock on the date of sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on October 31, 1989 at 54 FR 45822.

FOR FURTHER INFORMATION CONTACT:

Mr. E.F. Williams of the Department telephone (202) 523-8883. (This is not a toll-free number.)

Great Southern Printing and Manufacturing Company Profit Sharing Plan and Trust (the Plan) Located in Frederick, MD

[Prohibited Transaction Exemption 89-109; Exemption Application No. D-8093]

Exemption

The restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed cash sale by the Plan of certain improved property (the Property) to Great Southern Printing and Manufacturing Company, for \$143,000, provided the amount paid for the Property is not less than its fair market value at the time the transaction is consummated.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on November 3, 1989 at 54 FR 46490.

FOR FURTHER INFORMATION CONTACT:

Ms. Jan D. Broady of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Bi-County Radiology Medical Group, Inc., Profit Sharing Plan and Trust (the Plan), Located in Yuba City, California

[Prohibited Transaction Exemption 89-110; Exemption Application No. D-8113]

Exemption

The restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed sale of certain real property by the Plan to Bi-County Radiology Medical Group, Inc., a party in interest with respect to the Plan, provided the Plan receives the greater of \$149,000 or the fair market value as determined at the time of the sale by an independent qualified appraiser.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of the proposed exemption published on November 3, 1989 at 54 FR 46491.

FOR FURTHER INFORMATION CONTACT:

Ekaterina A. Uzlyan of the Department, telephone (202) 523-8194. (This is not a toll-free number.)

Dudley M. Baker, M.D. Profit Sharing Plan and Trust (the Plan) Located in Bennington, Vermont

[Prohibited Transaction Exemption 89-111; Exemption Application No. D-8157]

Exemption

The restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the loan of \$25,000 (the Loan) to Dudley M. Baker, M.D. (Dr. Baker), a party in interest with respect to the Plan, by Dr. Baker's individually directed account in the Plan, provided that the terms and conditions of the Loan are no less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated third party at the time of the making of the Loan.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on October 31, 1989 at 54 FR 45823.

FOR FURTHER INFORMATION CONTACT:

Joseph L. Roberts III of the Department,

telephone (202) 523-8881. (This is not a toll-free number.)

Ed Miller & Sons, Inc. Profit Sharing Plan (the PS Plan) and Ed Miller & Sons, Inc. Money Purchase Pension Plan (the MP Plan; together, the Plans) Located in Omaha, Nebraska

[Prohibited Transaction Exemption 89-112; Exemption Application Nos. D-8160 and D-8161]

Exemption

The restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed loans of up to 25 percent of the assets of the PS Plan and of the MP Plan to Miller Developments, a party in interest with respect to the Plans, under the terms and conditions described in the notice of proposed exemption, provided such terms and conditions are not less favorable to the Plans than those obtainable in an arm's-length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on November 3, 1989, at 54 FR 46492.

Temporary Nature of Exemption: This exemption is effective as to loans entered into within 4 years from the date of granting of this exemption.

FOR FURTHER INFORMATION CONTACT:

Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Vinings Chemical Company, Inc. Profit Sharing Plan and Trust and Vinings Industries, Inc. Section 401(k) Retirement Savings Plan and Trust (collectively, the Vinings Plans) Located in Atlanta, Georgia

[Prohibited Transaction Exemption 89-113; Exemption Application Nos. D-8201 through D-8203]

Exemption

The restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the cash sale (the Sale) by Vinings Plans of certain securities (the Securities) to Laporte, Inc., a party in interest with respect to the Vinings Plans, provided that the consideration paid for the securities is the greater of (1) the original consideration paid by the Vinings Plans

for the acquisition of the Securities or (2) the fair market value of the Securities on the date of the Sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on November 3, 1989 at 54 FR 46493.

FOR FURTHER INFORMATION CONTACT:

Mr. C. E. Beaver of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Hotel Employees and Restaurant Employees International Union Welfare Plan (the Plan) Located in Naperville, Illinois

[Prohibited Transaction Exemption 89-114; Application No. L-7754]

Exemption

The restrictions of section 406(a) of the Act shall not apply to the lease arrangement (the Arrangement) comprising five written agreements executed on July 6, 1988—namely: A Lease of Personal Property, a Computer Security Agreement, an Option To Purchase (covering leased computer equipment), a Software Program License Agreement, and a Software System Support Agreement—between (a) the Plan and (b) Resource Information Management Systems and its wholly owned subsidiary, Winthrop Financial Group, Inc., parties in interest with respect to the Plan, covering computer equipment and software previously leased to the Plan's former administrator, William L. Meyers, Inc., provided the terms of the Arrangement are as favorable to the Plan as those the Plan could obtain in a similar transaction with unrelated parties.

EFFECTIVE DATE: This exemption is effective as of July 6, 1988.

For a more complete statement of the facts and representations supporting the Department's decisions to grant this exemption refer to the notice of proposed exemption.

FOR FURTHER INFORMATION CONTACT:

Mrs. Miriam Freund of the Department, telephone (202) 523-8194. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other

provisions to which the exemptions does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 22nd day of December, 1989.

Ivan Strasfeld,

*Director of Exemption Determinations
Pension and Welfare Benefits Administration,
U.S. Department of Labor.*

[FR Doc. 89-30150 Filed 12-27-89; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-8081-8082] et al.

Proposed Exemptions; Friedman, Sloan & Ross Profit Sharing Plan, et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Notice of Proposed Exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of

Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Regulations and Interpretations, Room N-5671, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-5507, 200 Constitution Avenue, NW., Washington, DC 20210.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Friedman, Sloan & Ross Profit Sharing Plan and Friedman, Sloan & Ross Money Purchase Plan (the Plans) Located in San Francisco, California

[Application Nos. D-8081 and D-8082]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of sections 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed cash sale of 1500 shares of stock (the Stock) in Blue Chip Cookies, Inc. to Mr. Stanley J. Friedman (Mr. Friedman), a party in interest with respect to the Plans, from Mr. Friedman's separate account in the Plans; provided that the sales price is not less than the fair market value of the Stock as determined by an independent, qualified appraiser at the time of the sale.

Summary of Facts and Representations

1. The Plans are defined contribution plans in a combined trust with approximately \$1.5 million in assets as of February 28, 1989. Each of the Plans had 13 participants as of May 31, 1988. The trustee of the Plans is Sumitomo Bank of California, (the Trustee). Friedman, Sloan & Ross, a Professional Corporation (the Employer) is the sponsor of the Plans. Mr. Friedman is more than 10% partner (in both capital and profits) of the Employer.

2. In 1983 the Stock was purchased from the issuer by the Plans at Mr. Friedman's direction to be held in his individually directed account in the Plans. The original acquisition price was \$15,000 (\$10 per share). The applicant represents that while the Stock has increased in value since the purchase by the Plans, the Plans' continued holding of the Stock is not desirable due to the illiquidity of the Stock and the expense such holding will generate in the administration of the Plans. For these reasons the Trustee has recommended that Mr. Friedman remove the Stock from the Plans. Furthermore, Mr. Friedman is considering withdrawing as a partner in the Employer and taking a distribution from the Plans. If Mr. Friedman receives such distribution, he would roll it over into an Individual Retirement Arrangement (IRA) and begin receiving periodic distributions.

The applicant represents that it would be preferable for Mr. Friedman's IRA to consist of stable, low volatility investments that produce a steady return. The Stock, which pays no dividends and is illiquid, does not fit this profile.

3. The Stock was appraised as of September 14, 1988 by Robert Kahn, a qualified and independent Certified Management Consultant and member of the Institute of Management Consultants and of the Retail Research Society (the Kahn Appraisal). The Kahn Appraisal indicates that the appropriate fair market value of the Stock is \$37,440 (\$24.96 per share). The Kahn Appraisal states that the valuation of the Stock was performed using procedures that conform to the requirements of section 3(18) of the Act and the proposed regulations promulgated thereunder. The Kahn Appraisal also states that the Stock has never been the subject of an effective registration statement under the Securities Act of 1933 and is therefore restricted stock and cannot be readily traded.

4. Mr. Friedman proposes to pay cash to the Plans for the Stock in the amount of the fair market value as of the date of consummation of the transaction, as determined by Mr. Kahn in a signed, written update of the existing appraisal. The Plans will not bear any expenses related to the transaction. The Plans will transfer the shares to Mr. Friedman without any warranties and without entering into any continuing undertakings concerning the Stock.

5. In summary, the applicant represents that the proposed transaction satisfies the requirements of section 408(a) of the Act and section 4975(c)(2) of the Code because:

(a) The purchase price at which the Stock would be sold by the Plans to Mr. Friedman would be fair market value;

(b) There would be no extension of credit from the Plans to Mr. Friedman in connection with the transaction;

(c) The Stock is restricted stock, is illiquid and pays no dividends;

(d) The Plans would transfer the Shares in question to Mr. Friedman without any warranties and without entering into any continuing undertakings concerning the Stock; and

(e) The transaction affects only Mr. Friedman's accounts in the Plans and Mr. Friedman desires that the transaction be consummated.

FOR FURTHER INFORMATION CONTACT: Kay Madsen of the Department, telephone (202) 523-8194. (This is not a toll-free number.)

University Orthopedics and Sports Medicine, P.C. Profit Sharing Plan and Money Purchase Pension Plan (the Plans) Located in Syracuse, New York

[Application Nos. D-8044 and D-8045]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a) and 406(b) (1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to a loan of money from certain individual accounts in the Plans to U.O.S. Properties, a party in interest with respect to the Plans, provided the terms of the loan are at least as favorable as the Plans could obtain in an arm's-length transaction with an unrelated party.

Summary of Facts and Representations

1. University Orthopedics and Sports Medicine, P.C. (the Employer) is engaged in the practice of orthopedic and sports medicine in the Syracuse, New York, area. David R. Hootnick, M.D. (Hootnick) and Mark R. Harwood, M.D. (Harwood) each own fifty percent of the stock of the Employer. Hootnick and Harwood are also the trustees of the Plans. The Plans are individual account plans which permit each participant to direct the investments of his or her account. The participants are the same in both Plans. The Profit Sharing Plan had 13 participants and total assets of \$1,075,920 as of December 31, 1988. On the same date, the Money Purchase Pension Plan had 13 participants and total assets of \$377,773.

2. U.O.S. Properties is a general partnership (the Partnership) located in Syracuse, the purpose of which is to acquire, develop, hold and manage real property. The Partnership consists of four equal partners who are employed by the Employer. Two of the partners are Hootnick and Glenn B. Axelrod, M.D. (Axelrod) who are also participants in the Plans.

3. The Plans propose to make a loan of \$250,000 to the Partnership from the individual accounts of Hootnick and Axelrod. At the time the loan is entered into, the loan amounts, totaling \$250,000, will account for less than 25 percent of the assets in the accounts of Hootnick and Axelrod in each Plan. The proceeds of the loan are to be used by the

Partnership to purchase a condominium unit (the Property). The Property is located in the North Medical Building Condominium in the Town of Clay, New York, near Syracuse. The purchase price of the Property to the Partnership under a purchase agreement dated September 13, 1988, is \$387,500.

The loan will be for a period of 15 years and will provide for equal monthly payments of principal and interest. The interest rate on the loan will be at least two percent above the prime rate charged by commercial lenders for loans of this type in the area of the Employer. The interest rate will be adjusted every five years to reflect the current prime rate for the area. The Plans obtained a letter dated October 25, 1989, from the Oneida Savings Bank (the Bank), an unrelated commercial lender located in Cazenovia, New York. The Bank stated that it would consider making a loan based on terms the same as those described in the application.

The loan will provide that the trustees of the Plans will have a perfected secured interest in the Property through a first mortgage on the Property. There will be no other encumbrance on the Property. The loan will be callable by the Plans in the event that the proceeds of the loan are required to pay out cash distributions to the two individuals. In addition, the Partnership will maintain sufficient casualty and fire insurance on the Property to ensure recoupment of the entire principal amount of the loan and the trustees will be designated as loss payees under the insurance to the extent of the amount of the loan.

4. The applicant obtained an appraisal on the Property from David F. Peatfield (Peatfield) and John Pizzari (Pizzari) of the Peatfield Company, Ltd., a real estate appraisal company located in Syracuse. According to the applicant, Peatfield and Pizzari are independent of the Plans, the Employer, Hootnick and Axelrod. The Property consists of a specific condominium unit, Unit 1.B, located on the first floor of the condominium building. Using the cost approach and income approach methods of appraisal, Peatfield and Pizzari estimated that the fair market value of the Property was \$434,200 as of May 20, 1989. This value represents approximately 174 percent of the amount of the proposed loan. The applicant represents that the collateral will be maintained at no less than 150 percent of the remaining balance on the loan throughout the duration of the loan. Additional property will be pledged as collateral if such property becomes necessary to maintain the 150 percent value to loan ratio.

5. In summary, the applicant represents that the proposed transaction will satisfy the statutory criteria of section 408(a) of the Act because: (1) An unrelated commercial lender has stated that it would consider making a loan based on the same terms; (2) the loan will be secured by a first mortgage on the Property, the fair market value of which has been established by an independent appraisal; (3) the collateral for the loan will at all times exceed 150 percent of the remaining balance of the loan; and (4) the loan amounts will be only from the individual accounts of Hootnick and Axelrod and will not affect the assets of other participants in the Plans.

FOR FURTHER INFORMATION CONTACT: Paul Kelty of the Department, telephone (202) 523-8194. (This is not a toll-free number.)

Profit Sharing Plan of NVR L.P. and Affiliated Companies (the Plan) Located in Pittsburgh, Pennsylvania

[Application No. D-8079]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of sections 406(a), (b)(1) and (b)(2) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to: (1) The September 14, 1989 contribution to the Plan by Ryan Homes, Inc. (Ryan), a party in interest with respect to the Plan, of 480,680 master limited partnership common units (the Units) of NVR L.P. (NVR), provided that the Units were valued at no greater than their fair market value at the time of contribution; (2) the Plan's holding of such Units; and (3) the contribution to and holding by the Plan of an irrevocable put option (the Put Option) which permits the Plan to sell the Units to NVR at a price per Unit of \$7.50.

EFFECTIVE DATES: If granted, this proposed exemption will be effective from September 14, 1989 through September 14, 1999.

Summary of Facts and Representations

1. The Plan is a defined contribution plan which had 2,689 active participants as of December 31, 1988. As of September 13, 1989, the Plan held approximately \$45 million in assets. The Plan is maintained by Ryan and certain

of its affiliated companies. Ryan, which is in the business of residential development, is a wholly owned indirect subsidiary of NVR.

2. NVR is a publicly traded master limited partnership whose Units are listed on the American Stock Exchange (ASE). NVR determined that a \$3.6 million contribution to the Plan remained to be made for the 1988 Plan year after a \$600,000 contribution had previously been made in cash. On September 14, 1989, Ryan made a contribution to the Plan of 480,680 Units. The closing price for the Units on the ASE on that date was \$7.50 per Unit.

3. In addition to the Units, NVR also contributed to the Plan on September 14, 1989, an irrevocable Put Option. The applicants represent that NVR has done so in order to ensure that the contribution of the Units is in the best interests of the Plan participants and their beneficiaries and to protect the Plan participants and beneficiaries with respect to the value of any Units held. The Put Option, which will be exercisable by the Plan's independent fiduciary (see rep. 5, below) will permit the Plan to require NVR to purchase from the Plan all, or any portion of the Units contributed to the Plan. The purchase price of such Units sold pursuant to the Put Option would be \$7.50 per Unit, the closing price of the Units on the ASE on the contribution date.

4. The applicants represent that the Investment Management and Trust Division of Pittsburgh National Bank (the Bank) has been appointed the independent fiduciary for the Plan concerning the subject transactions. The Bank is a subsidiary of PNC Financial Corp. (PNC), one of the largest bank holding companies in the United States, with almost \$41.7 billion in discretionary assets. The Bank's Trust Division employs over 400 persons and is responsible for managing approximately \$5.4 billion in discretionary assets. The Bank represents that neither its Board of Directors nor that of PNC shares any common members with NVR. In addition, NVR's outstanding loans with PNB constitute less than 1% of PNB's loan portfolio and NVR's deposits with PNB are less than 1% of PNB's total customer deposits.

5. The Bank represents that it reviewed the subject transactions and determined, as of September 14, 1989, that the transactions were appropriate for the Plan and in the best interests of the Plan and its participants and beneficiaries. The Bank represents that before it made its determination, it considered a letter from Donaldson,

Lufkin & Jenrette, NVR's financial advisor, which provided expert investment advice with respect to the Units. The letter states that the Units are publicly traded on the ASE, and that there is a public market with respect to the Units. Thus, there is a steady volume of trading of the Units and a readily available daily price per Unit. In addition, internal Plan investment personnel reviewed NVR's financial situation. They determined that NVR has performed well financially, and they forecast NVR's continued success over the long term. They further determined that the Units have the potential for appreciation over the long term. It is also their opinion that the Units are comparable, as an investment, with the common stock of similarly situated corporations. The Bank further represents that the Units that were contributed represent approximately 7.3 percent of Plan assets. The addition of the Units adds even more diversification to the Plan's investment portfolio. It is the Bank's opinion that the Units should improve total portfolio risk for the Plan.

6. The Bank represents that it has taken several steps to protect the interests of the Plan and its participants and beneficiaries with respect to the Plan's acquisition of the Units. The Bank represents that it will monitor the value of the Units at least weekly and, if the Bank determines it to be necessary, on a daily basis. The Bank will also monitor NVR's financial statements on a continuing basis. The Bank represents that it will exercise the Put Option if, in its sole discretion as Plan fiduciary, it determines that it is the Plan's best interests to do so.

7. The Bank as independent fiduciary has also required NVR to fund a separate trust (the Trust), the sole purpose of which is to protect the Plan from any possibility of a market loss with respect to the Units. This Trust is not an employee benefit plan. It is separate from the Plan's trust and will be administered by a trust officer in a Trust Division of the Bank that is separate from the Employee Benefits Department which administers the Plan's trust. The Trust will receive no assets from the Plan's trust, nor will it receive contributions intended for the Plan's trust. The Trust has received its initial funding of \$300,000 from NVR's general assets and can receive additional funds from NVR, based on the Bank's constant monitoring of the value of the Units. The Trust will distribute cash to the Plan in the event that the Plan sells Units on the open market for less than \$7.50 per Unit, i.e., the Trust will "make up the difference".

If a majority of the Units are sold through the Put Option or on the open market in excess of \$7.50 per Unit, the Trust will terminate and the corpus will be returned to NVR. The applicants represent that the Trust is not the sole guarantee of payment to the Plan, but is an extra protection. Regardless of the amount of assets in the Trust, NVR will still pay the appropriate amount to the Plan for the Units if the Put Option is exercised.

8. In summary, the applicants represent that the subject transactions satisfy the criteria contained in section 408(a) of the Act because: (1) The contributions of the Units to the Plan was a one-time transaction; (2) the Units contributed represent approximately 7.3% of the Plan's assets; (3) the fair market value of the Units at the time of the contribution was determined by the objective standard of the closing price of the Units on the ASE; (4) the Plan has received an additional safeguard in the form of an irrevocable Put Option which will enable the Plan, upon the independent fiduciary's decision, to sell the Units back to NVR at a price of \$7.50 per Unit; (5) the Bank has agreed to serve as the Plan's independent fiduciary in connection with the subject transactions, has reviewed them, and determined as of September 14, 1989 that they are in the best interests of the Plan and its participants and beneficiaries; and (6) the Bank will monitor the performance of the Units to determine, among other things, whether to exercise the Put Option.

FOR FURTHER INFORMATION CONTACT:

Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must

operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemented to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 22nd day of December 1989.

Ivan Strasfeld,

Director of Exemption Determinations,
Pension and Welfare Benefits Administration,
U.S. Department of Labor.

[FR Doc. 89-30151 Filed 12-27-89; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL COMMISSION ON ACQUIRED IMMUNE DEFICIENCY SYNDROME

Correction/Addition

This is to amend the Federal Register Notice 54 FR, December 19, 1989 issue, page 51959 to include:

AGENCY: National Commission on Acquired Immune Deficiency Syndrome.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463 as amended, the National Commission on Acquired Immune Deficiency Syndrome announces a forthcoming meeting of the Commission.

DATE AND TIME: January 24, 1990, 2:00-5:00 p.m.

PLACE: Optional Site Visits, Southern California.

FOR FURTHER INFORMATION CONTACT: Maureen Byrnes, Executive Director, the National Commission on Acquired

Immune Deficiency Syndrome, 1730 K Street, NW., Suite 815, Washington, DC 20006 (200/254-5125).

Maureen Byrnes,

Executive Director.

[FR Doc. 89-30152 Filed 12-27-89; 8:45 am]

BILLING CODE 6820-LN-M

NATIONAL COMMUNICATIONS SYSTEM

Meeting; Industry Executive Subcommittee of the National Security Telecommunications Advisory Committee

A meeting of the Industry Executive Subcommittee of the National Security Telecommunications Advisory Committee will be held Wednesday, February 21, 1990. The meeting will be held at the MITRE Corporation, 7525 Colshire Drive, McLean, VA. Registration will begin at 8:30 a.m. and the meeting will start at 9 a.m. The agenda is as follows:

- a. Opening remarks.
- b. Administrative remarks.
- c. Briefings on industry and Government activities.

Due to the requirement to discuss classified information, in conjunction with the issues listed above, the meeting will be closed to the public in the interest of National Defense. Any person desiring information about the meeting may telephone (202) 692-9274 or write the Manager, National Communications System, Washington, DC 20305-2010.

Terrence N. Danner,

Captain, USN Assistant Manager, NCS Joint Secretariat.

[FR Doc. 89-30045 Filed 12-27-89; 8:45 am]

BILLING CODE 3610-05-M

NATIONAL SCIENCE FOUNDATION

Meeting; Advisory Committee for Science and Technology Research Centers

The National Science Foundation announces the following meeting:

Name: Advisory Committee for Science and Technology Research Centers.

Date and Time: January 10, 1990—8:30 a.m. to 5:00 p.m.

Place: University of California/Berkeley Berkeley, California.

Type of Meeting: Closed.

Contact Person: William C. Harris, Director, Office of Science & Technology Centers Development (202) 357-9808, Room 533, National Science Foundation, Washington, DC 20550.

Minutes: May be obtained from the Contact Person at the above address.

Purpose of Meeting: To provide advice and recommendations concerning support for Science and Technology Research Centers

Agenda: Review and evaluation of Science & Technology Research Centers Proposals as part of the selection process of awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Reason for Late Notice: Difficulty in obtaining a suitable meeting date for all members.

Dated: December 22, 1989.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 89-30172 Filed 12-27-89; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Public Hearing in New York, New York; Aviation Accident

In connection with the investigation of USAir Airlines, Flight 5050, Boeing 737, Accident, in Flushing, New York, September 20, 1989, the National Transportation Safety Board will convene a public hearing at 9:00 a.m. (eastern standard time), on Tuesday, February 13, 1990, at the New York Penta Hotel, Grand Ballroom on the Mezzanine level, located at 401 Seventh Avenue and 33rd Street, New York, New York 10001. For more information contact Ted Lopatkiewica, Office of Government and Public Affairs, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, DC 20594, telephone (202) 382-6605.

Dated: December 22, 1989.

Bea Hardesty,

Federal Register Liaison Officer.

[FR Doc. 89-30149 Filed 12-27-89; 8:45 am]

BILLING CODE 7533-01-M

NUCLEAR REGULATORY COMMISSION

NUREG: Issuance, Availability

The Nuclear Regulatory Commission has issued NUREG-1380, "Low Level Radioactive Waste Research Program Plan". NUREG-1380 provides an integrated plan for the low-level waste (LLW) research program to ensure that

the research and its products are responsive and timely for use in NRC's LLW regulatory program. The NUREG discusses scientific and technical uncertainties associated with the disposal of LLW, presents programmatic goals and objectives for resolving them, establishes a long-term strategy for conducting the confirmatory and investigative research required by NRC's regulatory staff, and includes schedules and milestones for completing that research. The plan will be updated each Spring to reflect completed tasks, to identify additional regulatory and research needs and changing priorities, and to address or incorporate comments.

This notice does not designate a specific period of time for public review of the plan but comments or suggestions are requested and will be welcome at any time. Comments should be sent to Mel Silberberg, Chief, Waste Management Branch, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, Washington, DC, 20555.

NUREG-1380 is available for inspection at the Commission's Public Document Room, 2120 L Street NW, Washington, DC. Single copies may be purchased from the Government Printing Office at the current GPO price. Information on current GPO prices may be obtained by contacting the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013-7082, telephone (202) 275-2060 or (202) 275-2171. NUREG-1380 may also be purchased from the National Technical Information Service (NTIS). Details on this service may be obtained by writing NTIS, 5285 Port Royal Road, Springfield, VA 22161.

Dated at Rockville, Maryland this 22nd day of December, 1989.

For the Nuclear Regulatory Commission.

Mel Silberberg,

Chief, Waste Management Branch, Division of Engineering, RES.

[FR Doc. 89-30078 Filed 12-27-89; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Implementation of the Accelerated Tariff Elimination Provision in the United States-Canada Free-Trade Agreement

AGENCY: Office of the U.S. Trade Representative.

ACTION: Notice of an extension of the filing period for accelerated tariff

elimination under the United States-Canada Free-Trade Agreement (FTA) from January 1, 1990 to April 1, 1990.

SUMMARY: Section 201(b) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 grants the President, subject to the consultation and layover requirements of section 103 of that Act, the authority to proclaim such acceleration of U.S. tariffs under the FTA as the United States and Canada may agree to under FTA Article 401(5). This publication gives notice of a change in the 1990 filing period during which persons or entities may request accelerated tariff elimination.

SUPPLEMENTARY INFORMATION: Further information on this subject may be found in the *Federal Register* notice of January 23, 1989, Volume 54, Number 13, at pages 3175 and 3176, as well as the notice of July 17, 1989, Volume 54, Number 135, at pages 29959 through 29971. Inquiries regarding this notice or other aspects of the implementation of accelerated tariff elimination under the FTA should be directed to the Office of North American Affairs, Office of the U.S. Trade Representative, Room 501, 600 17th Street, NW., Washington, DC 20506, telephone (202) 395-5663.

BACKGROUND: The *Federal Register* notice of January 23, 1989 gave notice of the procedure by which interested parties could request accelerated tariff elimination with respect to imports and exports covered by the FTA. That notice established January 1 as the deadline for submitting requests to USTR in 1990 and subsequent years. The filing period for consideration in 1990 is now extended by this notice to April 1, 1990. An additional notice will be issued in the near future specifying further changes in the procedure established in the notice of January 23, 1989.

Charles E. Roh, Jr.,

Assistant United States Trade Representative for North America.

[FR Doc. 89-30033 Filed 12-27-89; 8:45 am]

BILLING CODE 3190-01-M

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

Meeting

Notice is hereby given of the meeting of the Prospective Payment Assessment Commission on Tuesday, January 9, 1990 at the Madison Hotel, 15th and M

Streets, NW., Washington, DC. The meeting will convene at 8:00 a.m., in Executive Chambers 1, 2, and 3 on the second floor, and is open to the public.

Donald A. Young,

Executive Director.

[FR Doc. 89-29866 Filed 12-27-89; 8:45 am]

BILLING CODE 6820-BW-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IA-1213]

Intention To Cancel Registrations of Certain Investment Advisers

December 19, 1989.

Notice is hereby given that the Securities and Exchange Commission intends to issue an order pursuant to section 203(h) of the Investment Advisers Act of 1940 (the "Act") cancelling the registrations of those investment advisers whose names appear in the attached Appendix.

Section 203(h) provides, in pertinent part, that if the Commission finds that a person registered under section 203, or who has pending an application for registration filed under that section, is no longer in existence or is not engaged in business as an investment adviser, the Commission shall by order cancel the registration of such person.

On October 15, 1985, the Commission announced the adoption of certain revisions to Form ADV, the application for registration as an investment adviser, to make a uniform form for advisers registering with the Commission and the jurisdictions which require such registration. The adoption of the revised Form ADV, along with the accompanying provision set forth in revised Rule 204-1 under the Act, became effective on January 1, 1986. The rule currently requires every investment adviser whose registration was effective or whose application for registration was pending on January 1, 1986, to amend its application for registration by filing a complete revised Form ADV with the Commission on, or prior to, March 31, 1986.¹

Under cover letter dated December 12, 1985, all registrants were advised of the above mentioned requirement and provided with a copy of the revised Form ADV. On October 8, 1986, notices were sent to each non-responding registrant, stating that the Commission had the authority to cancel the

registration of any adviser that it finds is no longer in existence or is no longer engaged in business as an investment adviser. The notice also stated that the registration of any adviser who failed to file a complete revised Form ADV by October 24, 1986, would be cancelled by the Commission.

Pursuant to paragraph (b) of Rule 204-1, an investment adviser must promptly file an amendment to its application for registration when its address changes or when certain other information becomes inaccurate in a material manner.²

Since the registrants named in the Appendix have not filed a revised Form ADV, as required by Rule 204-1(a) under the Act, and have not filed any amendments to their application for registration, as required by Rule 204-1(b) under the Act, the Commission believes that reasonable grounds exist to support a finding that these registrants are no longer in existence or are not engaged in business as investment advisers.

Notice is further given that any interested person may, not later than January 19, 1990, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, and he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, DC 20549. At any time after said date, the Commission may issue an order cancelling any or all of the registrations named in the Appendix upon the basis of the information stated herein unless an order for a hearing on said cancellation shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or to be advised as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For further information contact: Robert L. Lewis, Financial Analyst, at (202) 272-3015 (Division of Investment Management, Office of Financial Analysis and Inspections).

² Pursuant to section 204 of the Act and Rule 204-1 thereunder, an investment adviser must also file annual supplements (Form ADV-S) providing the Commission with certain information about their business activities.

¹ Investment Advisers Act Release No. 931 (October 15, 1985).

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

Appendix

Atlanta Regional Office

Martinez, Charles Glennon (801-20689)
Meridian Associates, Inc. (801-22293)

Boston Regional Office

AG Investments & Financing Service
Domestic & International, Inc. (801-15596)
Edmund Investor Service (801-15113)

Chicago Regional Office

AMI Financial Corp. (801-20438)
Alexander, Robin Jane (801-24108)
Golden, Charles C. (801-16762)
Haley, Judy Ellen (801-18951)
Mobile Professional Services (801-24915)

Fort Worth Regional Office

Mosser Co. Investment Advisors, Inc.
(801-14366)
Staton Investments, Inc. (801-16648)

Los Angeles Regional Office

Monroe Kunkle, Inc. (801-25855)
Participant Services, Ltd. (801-13220)
Silverstein Financial Services, Inc. (801-17767)
Thomas, Michael Edward (801-16441)

New York Regional Office

Curatolo, Anthony J. Financial Planning
(801-22466)
Delta Securities Corp. (801-08787)
Offit Fixed Income Associates, Inc. (801-21446)

Philadelphia Regional Office

Cassizzi, Marilyn Anne (801-21631)
Dotts, Atelia Huffman (801-12270)
[FR Doc. 30115 Filed 12-27-89; 8:45 am]

BILLING CODE 8010-01-M

(Release No. 34-27561; File No. SR-CSE-89-5)

Self-Regulatory Organizations; the Cincinnati Stock Exchange; Order Approving Proposed Rule Change Relating to Net Capital Requirements of Designated Dealers

On November 7, 1989, the Cincinnati Stock Exchange ("CSE" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4

thereunder,² a proposed rule change to amend the net capital requirements of Designated Dealers.

The proposed rule change was published for comment in Securities Exchange Act Release No. 27458 (November 21, 1989), 54 FR 49376 (November 30, 1989). No comments were received on the proposal.

The Exchange's Rules of the Board of Trustees, Chapter XI, Rule 11.9, currently requires a Designated Dealer³ to maintain a minimum net capital⁴ of \$50,000 or the amount required under Rule 15c3-1 of the Act (the net capital rule).⁵ The Exchange's proposed amendment would increase this minimum net capital requirement for Designated Dealers to \$100,000.

The primary purpose of the net capital rule is to protect customers and creditors of registered broker-dealers from monetary losses and delays that can occur when a registered broker-dealer fails. The rule requires registered broker-dealers to maintain sufficient liquid assets to enable firms that fall below the minimum net capital requirements to liquidate in an orderly fashion without the need for a formal proceeding. In doing so, the rule enhances investor confidence in the financial integrity of securities firms. Similarly, the rule promotes transactions between broker-dealers, lenders, and creditors, on the one hand, and the counterparty broker-dealers on the other, because those entities are more likely to consider a broker-dealer credit-worthy if it must comply with a liquidity-based capital adequacy standard. The Exchange states that the proposed increase in its net capital requirement for Designated Dealers is intended to ensure that Designated Dealers have adequate capital and resources to meet their financial obligations during volatile markets and assure that the securities markets function smoothly and efficiently.

¹ 17 CFR 240.19b-4 (1989).

² A Designated Dealer is a Proprietary Member of the Exchange who has been approved to perform market functions by entering bids and offers for Designated Issues into the National Securities Trading System. Exchange Rule 11.9(a)(3).

³ See Securities Exchange Act Rule 15c3-1(c)(2), 7 CFR 240.15c3-1(c)(2) (1989).

⁴ The net capital rule generally requires a registered broker-dealer to maintain net capital equal to the greater of \$25,000 or 6% percent of its aggregate indebtedness. A broker-dealer may elect the alternative method of computing net capital, which requires the broker-dealer to maintain net capital equal to the greater of \$100,000 or 2 percent of its aggregate debit items as computed in accordance with the Formula for Determination of Reserve Requirements for Brokers and Dealers contained in Securities Exchange Act Rule 15c3-3. See Securities Exchange Act Rule 15c3-3a, 17 CFR 240.15c3-3a.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6(b)(5) of the Act.⁶ Specifically, the Commission believes that the proposal is consistent with the section 6(b)(5) requirement that the rules of an exchange be designed to promote just and equitable principles of trade. Increasing the minimum capital requirement for Designated Dealers should help to ensure that individuals and firms wishing to act as Designated Dealers on the Exchange will have the amount of capital necessary to perform their market making function. With the increased trading volume and volatility experienced in the securities markets over the past several years, it is important that exchange specialists and market makers maintain sufficient capital to meet increased liquidity demands. The proposed rule change is consistent with this goal by upgrading the minimum capital requirements of Designated Dealers.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,⁷ that the proposed rule change is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁸

Dated: December 21, 1989.

Jonathan G. Katz,
Secretary.

[FR Doc. 89-30106 Filed 12-27-89; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-27548; File No. SR-MSRB-89-13]

Self-Regulatory Organizations; Notice of Proposed Rule Change by the Municipal Securities Rulemaking Board Relating To Arbitration

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 16, 1989, the Municipal Securities Rulemaking Board ("Board") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The

⁶ 15 U.S.C. 78f (1982).

⁷ 15 U.S.C. 78s(b)(2), (1982).

⁸ 17 CFR 200.30-3(a)(12) (1989).

¹ 15 U.S.C. 78s(b)(1) (1982).

Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Board is filing amendments to rule G-35, the Board's Arbitration Code, to alter and more clearly define the duties and role of the Director of Arbitration and to reconstitute the Board's Arbitration Committee to eliminate its role in reviewing case-specific decisions of the Director of Arbitration and to remove non-Board members.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

A. Self-Regulatory Organization's Statement of the Purposes of, and Statutory Basis for, the Proposed Rule Change

The Board has been conducting a review of rule G-35, the Arbitration Code ("Code"), and its arbitration program. The Board has determined to alter and more clearly define the duties and role of the Director of Arbitration and reconstitute the Board's Arbitration Committee to eliminate its role in reviewing case-specific decisions of the Director of Arbitration and to remove non-Board members. Specifics of the proposed rule change are explained below.

Director of Arbitration

The Board has determined to alter the appointment and role of the Director of Arbitration. The proposed rule change removes the Director of Arbitration's membership in, and reporting responsibilities to, the Arbitration Committee; gives the Board's executive Director responsibility for appointing the Director of Arbitration; and deletes the provisions in the Code that allows for a "Committee designee" to perform certain of the Director of Arbitration's duties. In addition, under the current Code, the Arbitration Committee is authorized to assign certain duties and functions to the Director of Arbitration. Since the Executive Director is responsible for assigning the Director of Arbitration's duties and functions, the Code has been amended to state this clearly.

In the past, the functions of receiving pleadings, serving pleadings on parties and notifying parties as required by the Code had been performed by the Arbitration Administrator and a paralegal on behalf of the Director of

Arbitration. These functions now will be performed by the Director of Arbitration and the Arbitration Administrator. Since the Arbitration Administrator also attends hearings, language in the proposed rule change codifies this duty.

Arbitration Committee

The Code currently contains specific provisions for an Arbitration Committee. The Arbitration Committee is comprised of three Board members—one bank dealer representative, one public representative, and one securities firm representative, three non-Board members—also one from each category, and the Director of Arbitration. As noted above, the Board has determined to remove the Director of Arbitration as a member of the Committee.

Since the Board originally had contracted with the NASD to handle its arbitration cases, the Committee was given powers to review specific administrative decisions made by the NASD—such as removing arbitrators from, and reviewing the time and place designated for, an arbitration hearing. The Committee also has the authority to establish and maintain a pool of arbitrators and to deny use of the Board's arbitration facilities.

In January 1985, the Board's staff began administering the pleading stages of its arbitration cases, and by Fall 1986, began administering hearings as well. Today, the NASD no longer administers any part of the Board's program. Thus, since the Board now has direct control over its arbitration program, it believes that there is no longer a need for a codified oversight by the Arbitration Committee of these case-specific, administrative decisions by the Director of Arbitration. It also should be noted that, in the past, some parties have been able to frustrate the Board's arbitration process and to create delays by demanding review of certain situs decisions under these provisions.

From the beginning of the Board's arbitration program, the Board, through the three Board-members on the Arbitration Committee, has retained all policy-making authority, and the Board approves all amendments to the Code. The Board has determined that the Committee's case-specific authority should be deleted from the Code, and that the Committee's non-Board members should be removed, thereby making it no longer necessary to reference the Committee in the Code.

While certain other duties of the Committee remain in the Code (*i.e.*, establish and maintain a pool of arbitrators, and deny use of the forum) these duties historically have been performed by the Board members of the

Arbitration Committee and would continue to be so performed.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Board does not believe that the proposed rule change will effect any burdens on competition in the municipal securities industry because the proposed rule change will be equally applicable to all participants in the industry.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others.

The Board neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the *Federal Register* or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchanges Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 18, 1990.

For the Commission by the Divisions of Market Regulation, pursuant to delegated authority, 200.30-3(a)(12).

Dated: December 19, 1989.

Jonathan G. Katz,
Secretary.

[FR Doc. 89-30110 Filed 12-27-89; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-27551; File No. SR-NASD-89-55]

Self-Regulatory Organizations; Notice and Immediate Effectiveness of Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to Service Charges for the Automated Confirmation Transaction Service.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 29, 1989, the National Association of Securities Dealers, Inc. ("NASD") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD is proposing an amendment to Part IX of Schedule D of the Schedules to the By-Laws, establishing the services charges for the Automated Confirmation Transaction Service ("ACT") applicable to self-clearing broker/dealers.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The ACT Rules for self-clearing firms were approved by the Commission on September 8, 1989,¹ and the Association is filing the proposed rule change to establish a schedule of charges for the ACT system. The fees are designed to recoup the development costs for ACT programming efforts as well as costs associated with computer and other hardware purchases to meet the capacity requirements to run the system. Capacity and traffic projections have been determined by analysis of past traffic patterns and assumptions regarding future usage. The fees also reflect the costs of operating the ACT system, and are similar to the savings that broker-dealers will experience from reduced clearing agency charges.

The first component of the ACT fee is a transaction-related charge of \$.25 for each side of the comparisons processed through ACT. This fee replaces a fee charged by the National Securities Clearing Corporation ("NSCC") for its over-the-counter comparison services.

A separate query fee of \$.25 per query is proposed because of the processing impact of the query/accept/decline feature of ACT which is substantially greater than that of trade input and comparison, justifying a usage-related query fee. For some firms, the query will be used as the only or primary means of satisfying the ACT reporting obligation, so the following formula will be used in billing for ACT queries to ensure that not more than \$.25 is charged for each side input: (1) Each ACT query will incur the \$.25 query fee; (2) the first accept or decline processed from a query response will be free; and (3) the second and subsequent accept/decline entries will incur the \$.25 comparison charge. Thus the query charge alone will be applied only to those queries which do not result in a comparison or rejection. This pricing structure will ensure that no more than \$.25 will be charged for comparisons regardless of whether the ACT participant inputs the trade report data or uses the Browse function to accept or decline the trade.

The ACT charges include a late reporting fee of \$.15/side on trade day and a late reporting fee of \$.25/side for transactions entered on the second day of the comparison cycle. The purpose of

these fees is to encourage timely reporting of transactions on trade day, and to defray the additional system costs arising out of late reporting.

Another component of the ACT fees is a per terminal charge of \$50/month. The assumption is that the current population of Trade Acceptance and Reconciliation Service ("TARS") terminals will be authorized for ACT processing, both trade input and query/accept/decline. No separate transaction charge is being proposed for trade reporting at market makers' terminals (i.e., in excess of the \$.25/side comparison charge), as last sale trade reporting today is not assessed a fee. The expected back-office use of an ACT terminal for query/accept/decline of outstanding trades will represent a substantial processing burden on the ACT system. A service charge for this essentially dedicated use, together with a query charge, will offset the processing costs incurred.

A monthly computer to computer interface ("CTCI") service charge of \$500 is proposed for use of CTCI to report ACT-eligible trades. The fee will be separate and apart from any fees paid for CTCI linkages to other services. The CTCI provides a high-speed, guaranteed-delivery computer interface to ACT. Additionally, CTCI firms will receive end-of-day summary information from the ACT system: for self-clearing firms, this will recap their entire day's activity.

The statutory basis for the proposed rule change is found in Section 15A(b)(5) of the Securities Exchange Act of 1934. Section 15A(b)(5) requires that the rules of the NASD "provide for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the association operates or controls." The ACT service fees proposed in this filing have been formulated on the basis of the costs associated with developing and operating that service.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD does not foresee any burden on competition by the proposed rule change not necessary or appropriate in furtherance of purposes of the Act. The proposed fees for the ACT service are similar to the fees assessed by the National Securities Clearing Corporation for comparison services, and the ACT service will provide additional benefits to participants, such as increasing the

¹ See Release 34-27229, 54 FR 38484, dated September 8, 1989.

timing and efficiency of the post trade comparison process, that outweigh any potential competitive burden.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by January 18, 1990.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 C.F.R. 200.30-3(a)(12).

Dated: December 19, 1989.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-30111 Filed 12-27-89; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-27553; File No. SR-PSE-89-31]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Pacific Stock Exchange, Inc. Relating to the Disclosure of Financial Arrangements of Market Makers

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 17, 1989, the Pacific Stock Exchange, Inc. ("PSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared primarily by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PSE proposes amendments to PSE Rule VI Sections 81 and 82, entitled "Securities Accounts and Orders of Market Makers" and "Financial Arrangements of Market Makers," respectively. The PSE also proposes to add two new sections to Rule VI: Section 90, dealing with joint accounts, and section 91, dealing with market maker orders executed by floor brokers. Specifically, the PSE proposes to amend Section 82 to require that market makers disclose to the Exchange financial arrangements by which they extend credit to other market makers. The Exchange also proposes to create a new section 90, clarifying the regulation of joint accounts, by incorporating language from paragraph (c) and commentaries .02-.13 of section 81. In addition, the PSE proposes to create a new Section 91 regulating the execution by floor brokers of market maker orders.¹ Finally, the PSE proposal clarifies Exchange rules with respect to the concurrent representation of orders by financially affiliated market makers and joint account participants in a trading crowd. Specifically, among other things, the PSE proposes that market makers that have financial arrangements between themselves (i.e., a financing arrangement or a joint account) may not trade concurrently in a trading crowd, either by themselves or via a floor broker, in the same options series. The proposal also provides that

market makers may not both receive a primary appointment to the same trading post. The full text of the proposed rule change is available at the PSE or the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis, for the Proposed Rule Change

The purpose of the proposed rule change is to provide for enhanced surveillance of potentially collusive trading activity by PSE members by requiring additional disclosure to the Exchange of financial arrangements between market makers. In particular, as amended, Section 82 would require market makers extending credit to other market makers to disclose such extensions of credit to the Exchange. Currently, only market makers whose transactions are financed are required to disclose the arrangements to the Exchange. Placing the responsibility for disclosure on both the creditor and the debtor is intended to enhance the Exchange's awareness of existing financial arrangements, and its enforcement capabilities with regard to the trading practices of financially affiliated market makers.

The provisions relating to concurrent representation were designed to preclude the potential for domination of trading crowds by affiliated market makers, joint account participants, and orders held for a particular market maker. Exchange policy with regard to the concurrent representation of orders by financially affiliated market makers and joint account participants in a trading crowd has been unclear; the proposed changes were designed by the Options Floor Trading Committee for the purpose of regulating the trading of affiliated market makers and joint account participants without being overly restrictive and detrimental to liquidity.

¹ In conjunction with the creation of section 91, the Exchange proposes to delete Options Floor Procedure Advice B-6 as it is incorporated into section 91.

The proposed Commentary .01 to section 82 would allow market makers with financial arrangements to trade concurrently in a trading crowd, in options overlying any security, but not in the same option series. Thus, financially affiliated market makers would be unable to dominate a particular transaction, or trade with each other, and a trading crowd's liquidity would not be compromised. The provision would allow the market makers a certain flexibility, which would be offset by the proposed Commentary .03 to section 82. Commentary .03 provides that affiliated market makers may not receive primary appointments to the same trading posts. While the subject market makers may trade at any trading post at any time, their trading would be somewhat restricted, and floorwide liquidity ensured, by each market maker's obligation to maintain a certain monthly percentage of his contract volume in option classes to which he holds a primary appointment. Commentary .02 extends the same allowances to the concurrent representation of a market maker and orders held by floor brokers on behalf of market makers with whom the market maker has a financial arrangement.

The proposed rule change provides for the removal from Rule VI, section 81, of all references to joint accounts, and the placement of such references in proposed Rule VI, section 90, "Joint Accounts." Currently, as set forth in section 81, Commentary .06(b), joint account participants may not concurrently represent orders in options overlying the same security. In paragraph (f) of proposed section 90, the language has been changed to reflect that joint account participants are prohibited from concurrent representation in the same option series, consistent with the provision for affiliated market makers. As specified in Commentary .05 of the proposed section 90, a market maker may not be primarily assigned to a trading post which constitutes the primary appointment of a market maker with whom he has a joint account.

Language from Options Floor Procedure Advice B-6 has been revised and placed in proposed Rule VI, section 91, "Market Maker Orders Executed by Floor Brokers." The Exchange is currently endeavoring to eliminate the Floor Procedure Advices, placing the substance of these Advices in the appropriate sections of the Rules of the Board of Governors. As set forth in paragraph (a) of proposed Section 91, a market maker and his orders

represented by a floor broker shall remain precluded from being represented concurrently in a trading crowd.

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange. In particular, the Exchange believes that the proposed rule change is consistent with the requirements of section 6(b)(5) in that it is designed to prevent fraudulent and manipulative acts and practices and promote just and equitable principles of trade.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change imposes a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of the publication of this notice in the *Federal Register* or within such longer period: (1) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change; or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for

inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned, self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 18, 1989.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.²

Dated: December 20, 1989.

Jonathan G. Katz,
Secretary.

[FR Doc. 89-30112 Filed 12-27-89; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-27562; (File No. SR-PSE-89-29)]

Self-Regulatory Organizations; the Pacific Stock Exchange, Inc.; Order Approving Proposed Rule Change Relating to Membership Lease Agreements and Lease Procedures

On October 26, 1989, the Pacific Stock Exchange, Inc. ("PSE or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to amend its membership rules pertaining to revised Membership Lease Agreements.

The proposed rule change was published for comment in Securities Exchange Act Release No. 27429 (November 7, 1989), 54 FR 47631 (November 15, 1989). No comments were received on the proposal.

The Rules of the Board of Governors of the PSE allow members of the Exchange to lease their memberships to individuals or organizations who qualify for and are approved for PSE membership in accordance with terms specified by the Exchange.³ Rule IX, section 9, sets forth the rights and obligations of Exchange members and of the Exchange itself with respect to the transfer of Exchange memberships. The PSE's proposal will amend section 9(c) and add subsections (d) and (e) to section 9 of Rule IX of the Exchange Rules.

² 17 CFR 200.30-3(a)(12) (1989).

¹ 15 U.S.C. 78s(b)(1) (1982).

³ 17 CFR 240.19b-4 (1989).

⁴ See Constitution of the PSE, Article VII, Sections 1 and 2 and Rules of the Board of Governors of the PSE, Rule IX, section 9.

Under the PSE proposal, section 9(c), which is currently entitled "XYZ Agreements," will be renamed "Membership Lease Agreements." In addition, all existing references to "XYZ Agreements" contained in section 9(c) will be replaced with references to "Membership Lease Agreements."⁴

The Exchange also proposes to add two new subsections to section 9 of Exchange Rule IV. The first new provision is subsection (d) which will require that a member must be in good standing in order to lease a seat to another. If a member is not in good standing due to a disqualification resulting from a suspension, expulsion, or bar,⁵ the Exchange cannot allow the member to lease the seat to another because all of the member's rights are revoked through the disqualification. Proposed section 9(d) sets forth the procedures to be followed if a seat is currently leased and the lessor is not in good standing due to a suspension or bar and the lease must be terminated. The lessee must be given a notice of termination that will be effective 30 days from the date of disqualification. Upon termination of the lease, if the lessee owes any rental payments to the lessor, the Exchange may collect these payments from the lessee if the lessor owes the Exchange any money.

The other new provision is section 9(e). This subsection will allow a member firm to replace a nominee as lessee of a seat, should the firm's current nominee cease to be associated with the firm. With the lessor's approval, the new nominee will be able to enter into a new lease with the same terms and conditions as the previous agreement. Upon replacement of a nominee, the member firm will continue to be responsible for all Exchange obligations.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6(b)(5) of the Act.⁶ The Commission believes that the

proposal is consistent with the section 6(b)(5) requirement that the rules of an exchange be designed to promote just and equitable principles of trade and to protect investors and the public interest. In this regard, the Commission believes that the modifications to section 9(c), deleting references to "XYZ Agreements" and "backer" and replacing them with the terms "Membership Lease Agreements" and "lessor," are appropriate in that they will serve to simplify and streamline the PSE Rules governing these agreements. Further, the Exchange's revisions to section 9(c) will not affect the rights and obligations conferred upon the members of the Exchange under this subsection, nor will they affect the rights of the Exchange itself under this subsection.⁷

The PSE's new requirement at section 9(d), that members must be in good standing in order to lease their memberships, is consistent with the rules of other exchanges which currently have such a requirement.⁸ The Commission believes that imposition of such a requirement in the PSE rules will assist the Exchange in maintaining high standards among its members. In giving members the right to lease seats, the Exchange is conferring upon its members a privilege. By requiring that certain standards be met before this privilege can be conferred, the Exchange is setting and maintaining high standards of conduct for its members. In addition, the Commission believes that by maintaining high standards among its members, the Exchange is increasing the quality of its membership, thereby assisting in the maintenance of a competitive and fair and orderly market.

The Commission further believes that the Exchange's addition of section 9(d), which provides for the termination of a lease if a member is not in good standing due to a suspension, expulsion or bar, will serve as an incentive for members to maintain appropriate standards of conduct. Further, by providing for the termination of a lease if a member is not meeting certain criteria, the Exchange is ensuring that members who fail to remain in good standing will be prevented from leasing

their seats to others, thus protecting the public interest.

Finally, the Commission believes that proposed section 9(e), which will allow a member firm to replace a nominee as lessee of a seat, should the firm's current nominee cease to be an employee of that firm, will provide the Exchange with an orderly and efficient means of transferring leases in the event a current lessee becomes disassociated with a member firm.

It is therefore ordered, pursuant to section 19(b)(2) of the Act⁹ that the proposed rule change is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁰

Dated December 21, 1989.

Jonathan G. Katz,
Secretary.

[FR Doc. 89-30107 Filed 12-27-89; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-27559; File No. SR-PHLX-89-56]

Self-Regulatory Organizations; Notice of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Three Way Orders

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 4, 1989, the Philadelphia Stock Exchange, Inc. ("PHLX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PHLX proposes to amend its Rule 1033 by adding a new paragraph (e) relating to the execution of three way orders in foreign currency options. The following is all new text.

Rule 1033—Bids and Offers

(e) When a foreign currency option participant holding a three-way order for foreign currency options determines that the order will be best served by bidding or offering on the basis of a total credit or debit, the participant may, after seeking bids and offers for the three-

⁴ The PSE proposal makes two additional revisions to Section 9(c): the structure of the processing fee charged an applicant for conferring his membership privileges on a non-member organization will be changed from the existing fee of 5% of the purchase price paid by the last purchaser of a membership to 5% of the average purchase price of the last three membership sales; and all references to the term "backer" will be replaced with the term "lessor."

⁵ A disqualification can result from the action of the SEC, PSE, or any other self-regulatory organization.

⁶ 15 U.S.C. 78f (1982)

⁷ The Commission also finds that the fee change in section 9(c) is consistent with section 6(b)(4) of the Act in that it will provide for the equitable allocation of reasonable dues, fees, and other charges among Exchange members and issuers.

⁸ See e.g., New York Stock Exchange ("NYSE") Constitution, Article II, section 2 and NYSE Rule 301 and Chicago Board Options Exchange ("CBOE") Constitution, section 2.2, and CBOE Rules 3.16(b) and 3.19, which both require that a member must be in good standing in order to lease his or her seat to a person approved by the respective exchanges.

⁹ 15 U.S.C. 78s(b)(2) (1989).

¹⁰ 17 CFR 200.30-3(a)(12) (1989).

way order, execute the order at a total credit or debit with one other participant provided that at least one of the individual legs to the order is effected at a price inside the market of the individual series and that the other two legs are effected at prices equal to or better than the quoted market of their respective series. For the purposes of this rule, three-way orders include spread, straddle and combination orders of three individual series in the same foreign currency options where: (i) The order size for each of the three individual series are equal to each other, or (ii) the combined order size of any two series on the same side of the market is either equal to the order size of the third series or differs from the order size of the third series by a ratio which is acceptable for the entry of ratio spread, straddle and combination orders pursuant to Rule 1066, Commentary .02.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to provide a means to more readily execute three-way orders in foreign currency options.¹ Over the past year, it has been observed that strategies involving three options components are increasingly utilized on the foreign currency options floor by registered traders establishing hedge positions and by upstairs trading firms. At present, three-way trades must be effected in multiple transactions which makes execution more difficult, time consuming, and risky, as traders may be unable to execute their strategy or may only be able to do so at inferior prices. The proposed rule change only requires

that the order involves three options components and that the combined size of any two components be equal in size to the third or differ from the third by a ratio acceptable for the entry of ratio spreads under Exchange rules.² The proposal is not limited to a particular spread or straddle strategy or even to strategies that involve hedges or offsets. The proposal is designed to respond to the competitive requirements of the foreign currency options markets.

The PHILX believes the proposed rule change is consistent with the requirements of the Act in that it may be expected to promote the maintenance of fair and orderly markets and, in particular, section 6(b)(5) of the Act which provides in pertinent part that the rules of the Exchange be designed to promote just and equitable principles of trade and to protect the investing public.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PHILX does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the *Federal Register* or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or,

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to

the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 18, 1990.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 21, 1989.

Jonathan G. Katz,
Secretary.

[FR Doc. 89-30108 Filed 12-27-89; 8:45 am]
BILLING CODE 8010-01-M

[Rel. No. IC-17274; 811-2016]

Cal-Western Variable Fund C

December 20, 1989

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for an Order under the Investment Company Act of 1940 (the "1940 Act").

Applicant: Cal-Western Variable Fund C ("Applicant").

Relevant 1940 Act Sections: Order requested under section 8(f) of the 1940 Act.

Summary of Application: Applicant seeks an order under section 8(f) of the 1940 Act declaring that it has ceased to be an investment company.

Filing Date: The Application was filed on July 25, 1989.

Hearing or Notification of Hearing: If no hearing is ordered, the Application will be granted. Any interested person may request a hearing on this Application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m. on January 16, 1990. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

¹ An example of a three-way order would be a butterfly spread, where an order is entered to buy (or sell) a series of calls and simultaneously to sell (or buy) half the amount of each of the two call series bracketing it.

² Ratio spreads presently are permitted with ratios of up to three to one.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, DC 20549. Applicant, 2727 Allen Parkway, Houston, Texas 77019.

FOR FURTHER INFORMATION CONTACT: Staff Attorney Nancy M. Rappa (202) 272-2622 or Assistant Director Clifford E. Kirsch (202) 272-2060 (Office of Insurance Products and Legal Compliance).

SUPPLEMENTARY INFORMATION:

Following is a summary of the Application; the complete Application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier, which may be contacted at (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations

1. Applicant, formerly a separate investment account of California-Western States Life Insurance Company ("Cal-Western") under California insurance law, is registered as an open-end management investment company under the 1940 Act. Applicant's registration statement, filed on June 8, 1970 in connection with the sale of certain variable annuity contracts ("Contracts") issued by Cal-Western, was declared effective on February 8, 1972.

2. On July 28, 1988, the Board of Directors of Applicant adopted resolutions authorizing and recommending an agreement and plan of reorganization ("the Agreement"). On March 8, 1989, an exemptive order under the Act regarding the Agreement was granted by the Commission (Investment Company Act Release No. 16855). The Agreement was approved by the owners and participants of contracts funded through Cal-Western Separate Account A ("Separate Account A") and Applicant at a combined annual meeting held on April 27, 1989.

3. On April 28, 1989, all of Applicant's portfolio assets were combined with and into Separate Account A. Simultaneously therewith, Cal-Western, on behalf of Separate Account A, sold, assigned, and transferred all of Separate Account A's (combined) portfolio assets to American General Series Portfolio Quality Growth Fund of Portfolio Company, which shares were recorded as assets of the Quality Growth Division of restructured Separate Account A in unit investment trust form. Separate Account A became the sole surviving separate account. As a result of the reorganization, contract owners' and participants' interests in the Quality Growth Division of Separate Account A were equal to their former interests in Applicant.

4. Cal-Western, investment adviser to Applicant and issuer of the Contracts, assumed all expenses incurred in effecting the reorganization.

5. On December 5, 1988, in connection with the reorganization, Cal-Western filed an application with the California Insurance Commissioner for an amendment to its authority to transact business in the State of California. Such application was granted to Cal-Western on April 27, 1989.

6. Following the reorganization, no assets were retained by Applicant. There are no debts or other liabilities that remain outstanding against Applicant. Applicant is not, to its knowledge, a party to any litigation or administrative proceeding. No Contracts have been supported by Applicant since the reorganization. Applicant is not now engaged, nor does it propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 89-30113 Filed 12-27-89; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-17278; 812-7390]

Putnam California Tax Exempt Income Fund, et al., Notice of Application

December 21, 1989

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 (the "1940 Act").

Applicants: Putnam California Tax Exempt Income Fund, Putnam Capital Preservation/Income Trust, Putnam Convertible Income-Restated Growth Trust, Putnam Diversified Income Trust, Putnam Energy-Resources Trust, The George Putnam Fund of Boston, Putnam Global Governmental Income Trust, Putnam GNMA Plus Trust, Putnam Fund for Growth and Income, Putnam Health Sciences Trust, Putnam High Income Government Trust, Putnam High Yield Trust, Putnam High Yield Trust II, Putnam Income Fund, Putnam Information Sciences Trust, Putnam International Equities Fund, Putnam Investors Fund, Putnam New York Tax Exempt Income Fund, Putnam Option Income Trust, Putnam Option Income Trust II, Putnam OTC Emerging Growth Fund, Putnam Pennsylvania Tax Exempt Income Fund, Putnam Tax Exempt Income Fund, Putnam Tax-Free High

Income Fund, Putnam U.S. Government Guaranteed Securities Income Trust, Putnam Vista Basic Value Fund, Putnam Voyager Fund (collectively the "Trusts"), Putnam Financial Services, Inc. (the "Distributor"), and the Putnam Management Company, Inc. (the "Manager").

Relevant 1940 Act Section: Order requested under section 6(c) granting exemptions for the provisions of sections 2(a)(32), 2(a)(35), 22(c), 22(d) and Rule 22c-1.

Summary of Application: Applicants seek an order permitting the existing and future Trusts to assess and waive contingent deferred sales charges on certain redemptions of their shares.

Filing Dates: The application was filed on September 14, 1989, and amended on November 20 and December 20, 1989. The Applicants will file an amendment during the notice period, the substance of which is contained in the notice.

Hearing or Notification of Hearing: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on January 16, 1990, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicants, One Post Office Square, Boston, MA 02109.

FOR FURTHER INFORMATION CONTACT: Brion R. Thompson, Special Counsel, (202) 272-3016 (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION:

Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier, (800) 231-3282 (in Maryland (301) 258-4300).

Applicants' Representations

1. Each of the Trusts is organized as a Massachusetts business trust. Shares of the Trusts are sold with a front-end sales load, the amount of which varies among the Trusts. Some of the Trusts pay a distribution fee to the Distributor

based on a percentage of its assets pursuant to a distribution plan approved pursuant to Rule 12b-1 under the 1940 Act (a "Plan"), and some of the other Trusts propose to adopt such Plans. The amount of any such fee paid to the Distributor does not exceed an amount equal to 0.25% of the applicable Trust's assets, although certain Plans permit payments to the Distributor up to an amount equal to 0.35% of the applicable Trust's assets. Currently the Trusts do not impose a sales charge on purchases of \$4 million or more, including purchases pursuant to any Combined Purchase Privilege, Right of Accumulation, Statement of Intention, or group discount policy. The Distributor pays out of its assets a commission of 0.15% on any such sale to the dealer, subject to the Distributor's right to reclaim the commission from the dealer if the shareholder redeems his or her shares within six months of purchase.

2. The Applicants propose to continue exempting all purchases of \$4 million or more from all front-end sales charges. However, the Distributor will pay out of its assets to dealers a commission of 0.50% on any such sales, including purchases pursuant to any Combined Purchase Privilege, Right of Accumulation, Statement of Intention, or group discount policy. Shares sold under this method will be subject to a contingent deferred sales charge of 0.50% if such shares are redeemed within one year of purchase ("CDSC").

3. In addition, the Applicants intend to waive the CDSC on redemptions made for the purpose of paying benefits pursuant to tax-qualified retirement plans. Such payments would include, without limitation, (1) distributions from a Custodial Account under section 403(b)(7) of the Internal Revenue Code of 1986, as amended (the "Code"), or an IRA due to death or disability, or following attainment of age 59½, (2) a return of excess contributions to an IRA or a Code Section 401(k) plan, (3) distributions from other employee benefit plans to pay benefits, and (4) distributions from retirement plans qualified under Code Section 401(a) due to death, disability, or retirement.

4. A CDSC will be imposed if shares purchased pursuant to the method described above ("CDSC Shares") are redeemed prior to one year from the date of purchase. The purpose of the CDSC is to compensate the Distributor for the commission advanced to the dealer. However, no CDSC is imposed to the extent that the CDSC Shares redeemed (i) were purchased more than one year before they are redeemed, (ii) resulted from reinvestment of

distributions on CDSC shares, or (iii) were exchanged for shares of another Putnam fund (including a Trust), provided that the shares acquired in such exchange will continue to remain subject to the CDSC as if no exchange had occurred. For purposes of computing holding periods, all investments are deemed to have been made on the last day of the calendar month in which they are made at net asset value per share equal to the net asset value per share at the time of investment.

5. When a shareholder of any Trust transfers CDSC Shares of such Trust to another individual or entity, the transferring shareholder pays no CDSC in respect of the transfer. The transferred shares remain subject, in the hands of the transferee shareholder, to the CDSC. The CDSC is calculated as if the transferee shareholder had acquired the transferred shares in the same manner and at the same time as the transferring shareholder continued to hold such shares. Where the transferring shareholder transfers less than all of his or her CDSC Shares of a Trust, he or she is deemed to have transferred proportionate amounts of all the CDSC Shares of the Trust owned at the time of the transfer, in proportion to the number of CDSC Shares of the Trust owned (i) which are exempt from, or no longer subject to, the CDSC and (ii) which remain subject to the CDSC.

6. When a shareholder of a Trust exchanges CDSC Shares for shares in another Putnam fund (including a Trust), the shareholder will be able to exchange such shares without paying a CDSC. When the shareholder redeems the shares he acquired through the exchange, he will be treated as if no exchange took place for purposes of applying the CDSC. In addition, to the extent permitted by the 1940 Act, the Trusts may impose a nominal administrative charge on all exchanges. This charge is currently \$5.00.

Applicants' Legal Analysis

1. The Applicants request an order under section 6(c) of the 1940 Act granting exemption from the provisions of sections 2(a)(32), 2(a)(35), 22(c), and 22(d) and rule 22c-1 to the extent necessary or appropriate to permit the imposition and waiver of a CDSC on the terms described below. In addition, the Applicants request that the exemptive relief referred to above, to the extent a CDSC is employed under the terms and conditions as those described in this application, also extend to shares of any other existing or future open-end investment company registered under the 1940 Act which is within the same group of investment companies as one

or more of the trusts, i.e., any such company whose investment adviser is the Manager, or an affiliate of the Manager, or whose principal underwriter is the Distributor, or an affiliate of the Distributor, and who holds itself out to investors as a related company to one or more of the Trusts for purposes of investment and investor services. The Applicants submit that the exemption requested is appropriate in the public interest, and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

2. The Applicants note that the Commission has proposed the promulgation of Rule 6c-10, which would codify past exemptive orders permitting CDSC arrangements. The Applicants believe that the terms of their proposed CDSC arrangements are consistent in all respects with the requirements of proposed Rule 6c-10.

Condition: The Applicants agree to comply with the terms and provisions of proposed Rule 6c-10 under the 1940 Act, as it currently exists and as it may be modified or adopted in the future. Investment Company Act Release No. 16619 (Nov. 2, 1988), 53 FR 45275 (Nov. 9, 1988).

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-30109 Filed 12-27-89; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-17277; (812-7247)]

Prudential-Bache California Municipal Fund et al.; Application

December 20, 1989

AGENCY: Securities and Exchange Commission (the "Commission").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 (the "1940 Act")

Applicants: Prudential-Bache California Municipal Fund, Prudential-Bache Equity Fund, Inc., Prudential-Bache Equity Income Fund, Prudential-Bache FlexiFund, Prudential-Bache Global Fund, Inc., Prudential-Bache Global Genesis Fund, Inc., Prudential-Bache Global Natural Resources Fund, Inc., Prudential-Bache GNMA Fund, Inc., Prudential-Bache Government Plus Fund, Inc., Prudential-Bache Government Securities Trust, Prudential-Bache Growth Opportunity Fund, Inc., Prudential-Bache High Yield Fund, Inc., Prudential-Bache

IncomeVertible (R) Plus Fund, Inc., Prudential-Bache Municipal Bond Fund, Prudential-Bache Municipal Series Fund, Prudential-Bache National Municipals Fund, Inc., Prudential-Bache Option Growth Fund, Inc., Prudential-Bache Research Fund, Inc., Prudential-Bache Structured Maturity Fund, Inc., Prudential-Bache U.S. Government Fund, Prudential-Bache Utility Fund, Inc., and any open-end management investment companies to be established in the future that are part of the same group of investment companies, and (1) whose investment adviser is Prudential Mutual Fund Management, Inc. ("PMF") or Prudential-Bache Securities Inc. ("Prudential-Bache") or an investment adviser that is an affiliated person of PMF or Prudential-Bache as "affiliated person" is defined in section 2(a)(3) of the 1940 Act, (2) whose principal underwriter is Prudential Mutual Fund Distributors, Inc. ("PMFD") or Prudential-Bache or a principal underwriter that is an affiliated person of PMFD or Prudential-Bache as "affiliated person" is defined in section 2(a)(3) of the 1940 Act, and (3) that hold themselves out to investors as being related for purposes of investment and investor services (all of the above being referred to collectively as the "Funds"), Prudential-Bache, PMF, (together, the "Manager"), and PMFD (with Prudential-Bache, the "Distributor") (all of the foregoing being referred to as the "Applicants").

Relevant 1940 Act Section: Order requested under section 6(c) of the 1940 Act for exemptions from Sections 18(f), 18(g), 18(i), 2(a)(32), 2(a)(35), 22(c), and 22(d) of the 1940 Act and Rule 22c-1 thereunder.

Summary of Application: Applicants seek an order (i) to permit the Funds to sell two classes of securities for the purpose of establishing a dual distribution system; and (ii) to permit the Funds to assess a contingent deferred sales load ("CDSL") on certain redemptions of a class of their securities and to waive the CDSL under certain circumstances.

Filing Date: The application was filed on February 17, 1989, and amended on September 5, 1989 and December 15, 1989.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Any interested person may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m., on January 17, 1990, and should be accompanied by proof of service on the

Applicants in the form of an affidavit or, for lawyers, a certificate of service.

Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested.

Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549; Applicants, One Seaport Plaza, New York, New York 10292.

FOR FURTHER INFORMATION CONTACT: Bibb L. Strench, Staff Attorney, (202) 272-2856 or Karen L. Skidmore, Branch Chief, (202) 272-3023, Office of Investment Company Regulation.

SUPPLEMENTARY INFORMATION: The following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person, or the SEC's commercial copier (800) 231-3282 (in Maryland (301) 258-4300).

Applicants' Representations

1. Each Fund is an open-end management investment company registered under the 1940 Act. Each Fund has entered into or will enter into an investment advisory or management agreement with the Manager and a distribution agreement with the Distributor under which the Distributor acts as principal underwriter for the Funds.

2. The shares of the Funds, except for Prudential-Bache Structured Maturity Fund, Inc. ("PBSMF") and Prudential-Bache Government Securities Trust-Intermediate Term Series ("PBGST-ITS"), are currently offered to the public at their net asset value per share without the imposition of a sales load at the time of purchase.¹ An investor's proceeds from a redemption of these Funds' shares made within a specified period of time after purchase may be subject to a CDSL which is paid to the Distributor. In addition, the Funds pay the Distributor a distribution fee under distribution plans adopted by the Funds pursuant to Rule 12b-1 under the 1940 Act (the "Rule 12b-1 Plans").

Representations Relating to the Alternative Purchase Plan

3. Applicants propose the establishment of a dual distribution system (the "Alternative Purchase Plan") that will allow each Fund to offer investors the option of purchasing

shares either with a front-end sales load together with a Rule 12b-1 Plan (the "Front-End Load Option"), or subject to a CDSL and a Rule 12b-1 Plan (the "Deferred Option").² The Front-end sales loads would be at rates competitive in the industry (typically in the 4% to 5% range) and would be subject to reductions for larger purchases and under a right of accumulation and a letter of intent. The loads would be subject to certain other reductions permitted by section 22(d) of the 1940 Act and Rule 22d-1 thereunder and set forth in the registration statement of each of the Funds. The public offering price for the Class B shares would be computed in compliance with Rule 22c-1, section 22(d), and the provisions of proposed Rule 6c-10 under the 1940 Act (Rel. No. IC-16619, Nov. 2, 1988, 53 FR 45275, Nov. 9, 1988), as such rule is currently proposed and as it may be repropounded, adopted or amended. The ongoing distribution fees under the Rule 12b-1 Plans are based upon a percentage of the average daily net asset value of the respective class of shares. The distribution fee applicable to the Class A shares (typically at an annual rate in the .25% to .30% range) would be at a rate lower than the rate which will be charged under the Rule 12b-1 Plans for Class B shares (typically at an annual rate in the 0.5% to 1% range).

4. The Alternative Purchase Plan will be implemented by having each Fund create two classes of shares. "Class A" shares will be sold under the Front-End Load Option and "Class B" shares will be sold under the Deferred Option. The two classes will each represent interests in the same portfolio of investments of a Fund, and will be identical in all respects, except that:

(i) differences exist related solely to the impact of the fees of the respective Rule 12b-1 Plan payments made by each of the Class A shares and Class B shares of a Fund and any incremental expenses subsequently identified that should be properly allocated to one class that shall be approved by the Commission pursuant to an amended order;

(ii) Class B shares will pay higher distribution fees under its Rule 12b-1 Plan than the distribution fees paid by Class A shares under its Rule 12b-1 Plan;

(iii) shareholders of each class will have exclusive voting rights with respect to the Rule 12b-1 Plan applicable to their respective class of shares; and

¹ Shares of the PBSMF are currently offered to the public with a front-end sales load and a Rule 12b-1 distribution fee. Shares of the PBGST-ITS are currently offered to the public without a front-end or a contingent deferred sales load, but with a Rule 12b-1 Plan.

² Shares of PBGST-ITS will continue to be sold without the imposition of a CDSL.

(iv) the two classes will have different exchange privileges.

5. In substance, the two classes of a Fund will be treated as if they were separate funds that share a common securities portfolio. The effect that the allocations of daily income and expenses, changes in realized gains and losses, and unrealized appreciation/depreciation will have on the two classes will depend on the type of fund involved. The application contains a more detailed discussion of the Applicants' proposed methodology for net asset value calculations and expense allocations which are summarized below.

6. The Directors/Trustees of the Funds will receive reports ("Statements") relating to fees charged under the Rule 12b-1 Plans for each class of shares in compliance with Rule 12b-1. In the Statements, only distribution expenditures properly attributable to the sale of each class of shares will be used to justify the distribution fee attributable to such class. The distribution of two classes of shares of the same Fund requires only a relatively modest modification of the Funds' Statements heretofore provided to the Directors/Trustees of the Funds. The Distributor's allocation of indirect expenses will be attributed to the Class A shares and the Class B shares based upon the same cost accounting methodologies (essentially account executive compensation) described in the application as though each class of shares were a separate fund. Account executive compensation is used because indirect distribution expenses being allocated may relate to all investment products and not exclusively to the Funds and because the Distributor believes that account executive compensation is the most meaningful common element relating to all the products which it sells. The principal direct expense will be payments made to sales personnel for selling shares of a particular class and will require no allocation between classes.

However, certain other direct expenses, e.g., financial printing expenses and advertising, properly attributable to a Fund as a whole when only a single class existed, will apply to both classes ("other direct expenses"), and will be allocated to both classes of shares on the basis of the ratio in which the sales of each of the Class A shares and Class B shares bears to the total sales of the particular Fund's shares each year.

7. The net asset value of all outstanding shares of both classes will be computed on a pro rata basis for each outstanding share regardless of

class. The higher ongoing distribution fees paid by Class B shares will cause the net investment income attributable to, and the dividends payable on, Class B shares to be lower than that for Class A shares. Because the undistributed net income is a component of net asset value, the net asset value of the Class B shares will be lower than the net asset value of the Class A shares to the extent that a Fund has undistributed net income. However, any dividends paid by a Fund with respect to Class A and Class B shares will be calculated in the same manner, at the same time, on the same day, and will be in the same amount, except for the impact of the differing sales load structures.

8. Account executives or sales personnel selling shares of the Funds will be compensated differently for selling Class A or Class B shares. Because the size of the compensation of an account executive or sales person will vary from case to case depending on breakpoints, performance of the account executive or sales person, length of time client accounts are maintained in the Fund, and other factors, Applicants believe that it is not possible to generalize as to which class will provide the account executive or sales person with the highest level of compensation.

9. The prospectuses of the Funds will describe the services rendered and compensation paid under the Rule 12b-1 Plans and the fees payable by each of the Funds. The prospectuses will disclose all material information concerning the Class A and Class B shares in a manner that would enable an investor to make a comparative analysis of the two classes of shares and facilitate the making of an investment decision as to which class would be the most advantageous to a given investor.

10. Class A shares of a Fund will be exchangeable only for Class A shares of the other Funds and shares of certain money market funds sponsored by the Manager; similarly, Class B shares will be exchangeable only for Class B shares and money market fund shares. Money market fund shares will be exchangeable for either Class A or Class B shares of the Funds; however, if money market fund shares were purchased pursuant to an exchange privilege, they will only be exchangeable for the class of shares involved in the original exchange into the money market fund shares. The applicable exchange privileges will be in compliance with Rule 11a-3 under the 1940 Act.

Applicants' Legal Conclusion Relating to the Alternative Purchase Plan

11. The Alternative Purchase Plan does not create the potential for the abuses relating to complex capital structures and mutuality of risk that section 18 is designed to address. The proposed arrangement will not increase the speculative character of the shares of the Funds since all such shares will participate pro rata in all of a Fund's income and all of a Fund's expenses (with the exception of differing Rule 12b-1 Plan fees). Both classes of shares will be redeemable at all times. No class of shares will have preference or priority over any other class in the Fund in the usual sense, that is, no class will have distribution or liquidation preferences to particular assets and no class will be protected by a reserve or any account.

12. The interests of the two classes of shares with respect to the management and advisory fees do not conflict because such fees are used to compensate the Manager for providing management and advisory services that are common to all investors. The Directors/Trustees of each Fund must analyze the reasonableness of the advisory fee and the distribution fee under the standards defined by section 36(b) of the 1940 Act. Thus, the interests of each class would be adequately protected.

13. The Alternative Purchase Plan may relieve shareholders of a portion of the fixed costs normally associated with open-ended investment companies, since such costs may, potentially, be spread over a great number of shares. In addition, the advisory fees may be lower than they would have been if the Alternative Purchase Plan was not implemented.

14. The proposed allocation of expenses and voting rights relating to the Rule 12b-1 Plans is equitable and would not discriminate against any group of shareholders. Investors purchasing Class B shares would bear the deferred charges, but would also enjoy exclusive shareholder voting rights with respect to matters affecting such Rule 12b-1 Plans.

15. The Alternative Purchase Plan permits the investor to select not only the Fund managed by the Manager which has an investment objective that best suits his or her investment needs, but also the most appropriate distribution method. Applicants believe that the Alternative Purchase Plan will provide a meaningful choice for investors under all foreseeable circumstances. An example illustrates

how the various factors may influence an investor's choice. Assuming that Class A shares are available after paying a 4.25% maximum front-end sales charge and subject to a 25 basis point Rule 12b-1 Plan fee, and that Class B shares have a five-year declining CDSL and a 1% Rule 12b-1 Plan fee; further assuming a 9% average annual return before deduction of any Rule 12b-1 Plan fees, the cumulative total returns of Class A and Class B at the conclusion of five years would be 45.64% and 45.93%, respectively. If the amount to be invested immediately or over a defined period of time qualified the investor for a reduced front-end sales charge, then the investor might be better served purchasing Class A shares, as the five-year cumulative total return would be greater. On the other hand, if the investor did not qualify for a reduced front-end sales charge and the investor intends to remain invested in the fund for only a few years, then the investor would likely derive better returns by purchasing Class B shares.

16. The two distinctions between the Alternative Purchase Plan and the dual distribution arrangements approved by the Commission in the Merrill Lynch Funds Order (Rel. No. IC-16535 (August 23, 1988)) is that under the Alternative Purchase Plan, transfer agency fees for both classes are identical versus a higher transfer agency fee for CDSL shares in the Merrill Lynch order; and the presence of an ongoing distribution fee at a lower rate in connection with the Front-End Load Option under the Alternative Purchase Plan, versus no such distribution fee for front-end load shares in the Merrill Lynch Order.

Representations Relating to the Assessment of a CDSL

17. Applicants propose a CDSL on certain redemptions of Class B shares of the Funds and to waive the CDSL on certain redemptions. Investor's proceeds from a redemption of Class B shares made within a specified period of their purchase (the "CDSL Period"), not to exceed six years, will be subject to a CDSL. For example, the CDSL may be five percent on the shares redeemed in the first year of purchase and may be reduced at a rate of one percent per annum until the fifth year, when redemptions of shares thereafter would not be a subject to a CDSL.

18. The Deferred Option is designed to permit the investor to purchase Class B shares without the assessment of a front-end sales load and at the same time permit the Distributor to pay the account executives of securities dealers a commission on the sale of Class B shares. Proceeds from the CDSL and the

distribution fee will be used in whole or in part to defray the expenses of the Distributor related to providing distribution-related services to investors choosing the Deferred Option.

19. The CDSL will not be imposed on redemptions of Class B shares that were purchased beyond the applicable CDSL Period or on Class B shares derived from reinvestment of distributions and amounts that represents an increase in the value of the shareholder's account resulting from the capital appreciation above the amount paid for shares purchased during the CDSL period. In determining whether a CDSL is applicable, it will be assumed that a redemption is made first of shares derived from reinvestment of distributions or shares representing capital appreciation, second of shares purchased prior to the CDSL Period, and third of shares purchased during the CDSL Period. The amount of the CDSL to be imposed will be set forth in the Fund's prospectus.

20. The Funds request relief to waive the CDSL:

(1) on redemptions following the death or disability, as defined in section 72(m)(7) of the Internal Revenue Code of 1986, of a shareholder;

(2) in connection with certain distributions from an Individual Retirement Account, a custodial account maintained pursuant to section 403(b)(7) of the Internal Revenue Code of 1986 or a qualified pension or profit-sharing plan;

(3) in whole or in part, in connection with shares sold to certain individuals or groups pursuant to special arrangements, the same as those under which the front-end sales load on Class A shares is reduced or waived pursuant to Rule 22d-1 under the 1940 Act at the time of the issuance of the order requested by this application; and

(4) in connection with the exercise of certain exchange privileges among Class B shares of the Funds and certain money market funds sponsored by the Manager. If the Directors/Trustees of a Fund determine to no longer waive or reduce such CDSL, the disclosure in a Fund's prospectus will be appropriately revised.

Any Class B shares purchased prior to the termination of such waiver or reduction would be able to have the CDSL waived or reduced as provided in a Fund's prospectus at the time of the purchase of such shares.

Applicants' Legal Conclusions Relating to the CDSL

21. The imposition of the proposed CDSL on Class B shares of the Funds is fair and in the best interests of the

shareholders. The Alternative Purchase Plan permits Class B shareholders to have the advantage of greater investment dollars working for them from the time of their purchase, than if a sales load were imposed at the time of purchase, as in the case with Class A shares. Waiver of the CDSL in the extraordinary circumstances of death or total disability of the investor and in connection with retirement plans is justified on basic considerations of fairness. The waiver of the CDSL in connection with shares sold to certain individuals or groups pursuant to special arrangements is justified since the Funds generally recognize economies of scale and a reduction of sales related expenses in connection with these programs. Similarly, the waiver of the CDSL in the case of the exercise of certain exchange privileges is justified by the fact that the investor still will be invested in a mutual fund sponsored by the Manager, will be paying a Rule 12b-1 distribution fee on Class B shares (except if the shares are in a money market fund), and will have to pay any applicable CDSL if redemptions are made out of the Funds including the money market funds. Moreover, the waiver of the CDSL under the circumstances contemplated will not adversely affect other Class B shareholders of a Fund. Finally, waiver of the CDSL will not result in the loss of any revenue to a Fund since the proceeds from the CDSL will be paid to the Distributor.

Applicants' Conditions

An order granting the requested exemptions will be subject to the following conditions set forth in the application:

Conditions Relating to the Alternative Purchase Plan

1. The Class A shares and Class B shares will represent interests in the same portfolio of investments of a Fund, and be identical in all respects, except as set forth below. The only differences between Class A shares and Class B shares of the same Fund will relate solely to: (a) the impact of the fees of the respective Rule 12b-1 distribution plan payments made by each of the Class A shares and Class B shares of a Fund and any other incremental expenses subsequently identified that should be properly allocated to one class which shall be approved by the Commission pursuant to an amended order, (b) voting rights on matters which pertain to Rule 12b-1 distribution plans, (c) the different exchange privileges of the Class A shares and Class B shares as

described in the prospectuses (and as more fully described in the statements of additional information) of the Funds, and (d) the designation of each class of shares of a Fund.

2. The Directors/Trustees of each of the Funds, including a majority of the independent Director/Trustees, will approve the Alternative Purchase Plan and at least a majority of the existing shareholders of each of the Funds will approve the Alternative Purchase Plan by an affirmative vote prior to the implementation of the Alternative Purchase Plan by a particular Fund. The minutes of the meetings of the Directors/Trustees of each of the Funds regarding the deliberations of the Directors/Trustees with respect to the approvals necessary to implement the Alternative Purchase Plan will reflect in detail the reasons for determining that the proposed Alternative Purchase Plan is in the best interests of both Funds and their respective shareholders and such minutes will be available for inspection by the Commission staff.

3. On an ongoing basis, the Directors/Trustees of the Funds, pursuant to their fiduciary responsibilities under the Investment Company Act and otherwise, will monitor each Fund for the existence of any material conflicts between the interests of the two classes of shares. The Directors/Trustees, including a majority of the independent Directors/Trustees, shall take such action as is reasonably necessary to eliminate any such conflicts that may develop. The Manager and the Distributor will be responsible for reporting any potential or existing conflicts to the Directors/Trustees. If a conflict arises, the Manager and the Distributor at their own cost will remedy such conflict up to and including establishing a new registered management investment company.

4. The Rule 12b-1 plans relating to the different classes of each Fund will be approved and reviewed by the Funds' Directors/Trustees in accordance with the requirements and procedures set forth in Rule 12b-1, both as currently adopted and as that rule may be amended in the future. The Rule 12b-1 distribution plan of a Fund which permits the assessment of a Rule 12b-1 fee on the new class shares will be submitted to the shareholders of the new class for approval at the next meeting of shareholders after the initial issuance of such shares. Such meeting is to be held within one year from the date the shares are initially issued. Any other series or investment company relying in the future on the order granted on the

Application will hold a meeting of shareholders within one year of the first date that more than one class of shares is issued and outstanding and will submit the Rule 12b-1 distribution plans for each respective class of shares for the separate approval of the Class A and Class B shares at such meeting; provided that the approval of the shareholders shall not be necessary if the existing Rule 12b-1 distribution plan has already been submitted for their approval.

5. The Directors/Trustees of the Funds will receive quarterly and annual Statements complying with paragraph (b)(3)(ii) of Rule 12b-1, as it may be amended from time to time. In the Statements, only distribution expenditures properly attributable to the sale of one class of shares will be used to justify the Rule 12b-1 fee charged to shareholders of such class of shares. Expenditures not related to the sale of a specific class of shares will not be presented to the Directors/Trustees to justify Rule 12b-1 fees charged to shareholders of such class of shares. The Statements, including allocations upon which they are based, will be subject to the review and approval of the independent Directors/Trustees in the exercise of their fiduciary duties under Rule 12b-1.

6. Dividends paid by a Fund with respect to its Class A shares and Class B shares, to the extent any dividends are paid, will be calculated in the same manner at the same time on the same day and will be in the same amount, except that distribution fee payments made under the Rule 12b-1 Plans relating to each respective class of shares will be borne exclusively by that class.

7. The methodology and procedures for calculating the net asset value and dividends/distributions of the two classes and the proper allocation of expenses between the two classes has been reviewed by an expert (the "Independent Examiner"). The Independent Examiner has rendered a report to the Applicants, which has been attached as Exhibit G to the Application, that such methodology and procedures are adequate to ensure that such calculations and allocations will be made in an appropriate manner. On an ongoing basis, the Independent Examiner, or an appropriate substitute Independent Examiner, will monitor the manner in which the calculations and allocations are being made and, based upon such review, will render at least annually a report to the Funds that the calculations and allocations are being

made properly. The reports of the Independent Examiner shall be filed as part of the periodic reports filed with the Commission pursuant to sections 30(a) and 30(b)(1) of the Investment Company Act. The work papers of the Independent Examiner with respect to such reports, following request by the Funds which the Funds agree to provide, will be available for inspection by the Commission staff upon the written request for such work papers by a senior member of the Division of Investment Management or a Regional Office of the Commission, limited to the Director, an Associate Director, the Chief Accountant, the Chief Financial Analyst, an Assistant Director, and any Regional Administrators or Associate and Assistant Regional Administrators. The initial report of the Independent Examiner is a "Special Purpose" report on the "Design of a System" and the ongoing reports will be "Special Purpose" reports on the "Design of a System and Certain Compliance Tests" as defined and described in SAS No. 44 of the AICPA, as it may be amended from time to time, or in similar auditing standards as may be adopted by the AICPA from time to time.

8. Applicants have adequate facilities in place to ensure implementation of the methodology and procedures for calculating the net asset value and dividend/distributions of the two classes of shares and the proper allocation of expenses between the two classes of shares and this representation has been concurred with by the Independent Examiner in the initial report referred to in condition (7) above and will be concurred with by the Independent Examiner, or an appropriate substitute Independent Examiner, on an ongoing basis at least annually in the ongoing reports referred to in condition (7) above. Applicants agree to take immediate corrective action if the Independent Examiner, or appropriate substitute Independent Examiner, does not so concur in the ongoing reports.

9. The prospectuses of the Funds will include a statement to the effect that an account executive may receive different levels of compensation for selling Class A shares or Class B shares.

10. The Distributor will adopt compliance standards substantially in the form of Exhibit E of the Application, as to when Class A shares and Class B shares may appropriately be sold to particular investors.

11. All purchases of shares of the Funds by the Directors/Trustees made after the issuance of a second class of

shares will be equally divided between the two classes. Over time the actual holdings of the two classes of newly purchased shares will differ to a minor degree if a Director/Trustee elects to have dividends reinvested.

12. The conditions pursuant to which the exemptive order is granted and the duties and responsibilities of the Directors/Trustees of the Funds with respect to the Alternative Purchase Plan will be set forth in guidelines which will be furnished to the Director/Trustees as part of the materials setting forth the duties and responsibilities of the Directors/Trustees.

13. Each of the Funds will clearly disclose the difference in the respective yields of the Class A shares and Class B shares of a Fund in its prospectus, shareholder reports and any advertising materials, including newspaper advertisements. For instance, the supplementary financial information including the per share table in each Fund's prospectus and the balance sheet in each Fund's prospectus or statement of additional information will be separately presented for the Class A shares and Class B shares. Also, the Funds' prospectuses and statements of additional information will disclose the different exchange privileges applicable to the different classes of shares. Similarly, the information provided by the Applicants to any newspaper or similar listing of the Funds' net asset values and public offering prices will separately present Class A shares and Class B shares.

14. The Applicants acknowledge that the grant of the exemptive order requested by this Application will not imply Commission approval, authorization or acquiescence in any particular level of payments that the Funds may make pursuant to Rule 12b-1 distribution plans in reliance on the exemptive order.

Condition Relating to the CDSL

15. The Applicants will comply with the provisions of proposed Rule 6c-10 under the Investment Company Act, IC-16619 (Nov. 2, 1988), 53 FR 45275, Nov. 9, 1988, as such Rule is currently proposed and as it may be repropounded, adopted or amended.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 89-39116 Filed 12-27-89 8:45 am]

BILLING CODE 8010-10-M

[Release No. IC-17273; File No. 811-3075]

Voyager Variable Annuity Account D

December 20, 1989.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of Application for an Order under the Investment Company Act of 1940 ("the 1940 Act").

Applicant: Voyager Variable Annuity Account D ("VVAD" or "Applicant").

Relevant 1940 Act Sections: Order requested under section 8(f).

Summary of Application: Applicant seeks an order under section 8(f) of the 1940 Act declaring that it has ceased to be an investment company.

Filing Date: The application was filed on December 22, 1988 and amended on July 24, 1989.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m. on January 16, 1990. Request a hearing in writing, giving the nature of your interest, the reason for your request, and the issues you contest. Serve the Applicant, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, in the case of an attorney-at-law, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, P.O. Box 388, Dallas, Texas 75221, Attention: Art Hall.

FOR FURTHER INFORMATION CONTACT: Michael V. Wible, Staff Attorney, at (202) 272-2026 or Clifford E. Kirsch, Assistant Director, at (202) 272-2061 (Division of Investment Management, Office of Insurance Products and Legal Compliance).

SUPPLEMENTARY INFORMATION:

Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations

1. Applicant is registered under the 1940 Act as a diversified, open-end management company.

2. On July 17, 1980, August 4, 1980, and November 4, 1980, Applicant, a separate account established by Voyager Life Insurance Company ("Voyager"), a Florida life insurance company, filed a notification of registration on Form N-

8A, a registration statement under the 1940 Act on Form N-1 and a registration statement under the Securities Act of 1933 on Form N-1 respectively. Both registration statements became effective November 28, 1980. The initial public offering commenced in April, 1981. On February 27, 1984 the Applicant filed a registration statement on Form N-1 registering an indefinite number of units. This registration statement became effective February 28, 1984 and the public offering of these subsequently registered units commenced on the same day.

3. Applicant served as a funding vehicle for qualified and nonqualified group and individual variable annuity contracts issued by Voyager.

4. On December 20, 1985 and January 3, 1986, Applicant's Board of Managers recommended that the annuity contract owners approve various transactions necessary for Great American Reserve Insurance Company ("GARCO"), a Texas life insurance company, to acquire the assets of VVAD from Voyager. Proxy materials regarding the proposed transaction were distributed to Applicant's contract owners and filed with the Commission. At a special meeting of contract owners of VVAD, held on March 12, 1986, the contract owners approved various transactions which were necessary for GARCO's acquisition of the assets of VVAD from Voyager.

5. On May 15, 1986, GARCO purchased the annuity business, including the variable annuity contracts and separate account assets, of Voyager and VVAD ceased to exist as a separate account under the Florida Insurance Code. Contract owners received assumption certificates from GARCO, and GARCO became principally liable to the contract holders for all debts and obligations incurred by Voyager under the annuity contracts. However, Voyager remained contingently liable under the contracts that it had issued, and VVAD and Voyager remained liable under the Securities Act of 1933 with respect to statements made in the registration statements, and amendments thereto, used prior to the transfer of the assets and liabilities of VVAD to GARCO.

6. On September 17, 1985 (supplemented on November 5, 1985 and December 3, 1985), Voyager requested a no action letter from the Commission with respect to the proposed transfer by Voyager of its registered variable annuity separate account to GARCO. Such no action letter was issued on December 11, 1985.

7. Applicant will amend the application to note that despite the no action assurance that Voyager received, GARCO in August, 1986 registered the separate account under the 1940 Act.

8. The portfolio securities and other assets and liabilities which comprised VVAD remained intact, physically and legally segregated from any other account or business of GARCO. The annuity policies remained unchanged, except for the assumption of liabilities by GARCO, and continued to be funded by the assets of the separate account. The substantive rights of the contracts were not impaired or altered by the transaction. All expenses in connection with the merger were borne by Voyager and GARCO, and neither VVAD nor the contract holders were charged with any of the expenses of this transaction.

9. On April 30, 1986, Applicant had total assets of \$3,167,446.13. Applicant has retained no assets, has no debts or other liabilities outstanding, and is not to its knowledge a party to any litigation or administrative proceedings. Applicant had no security holders and is not now engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up of its affairs. Applicant has ceased to function as a diversified open-end management investment company.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 89-30114 Filed 12-27-89; 8:45 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 05/05-0165]

White River Capital Corp.; License Surrender

Notice is hereby given that White River Capital Corporation, 500 Washington Street, Columbus, IN 47202, has surrendered its license to operate as a small business investment company under section 301(c) of the Small Business Investment Act of 1958, as amended (the Act). White River Capital Corporation was licensed by the Small Business Administration on March 31, 1982.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender of the license was accepted on December 11, 1989 and accordingly, all rights, privileges and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 19, 1989

Robert G. Lineberry,
Deputy Associate Administrator for Investment.

[FR Doc. 89-30019 Filed 12-27-89; 8:45 am]
BILLING CODE 8025-01-M

Small Business Investment Company; Maximum Annual Cost of Money to Small Business Concerns

13 CFR 107.302(a) and (b) limit maximum annual Cost of Money (as defined in 13 CFR 107.3) that may be imposed upon a Small Concern in connection with Financing by means of Loans or through the purchase of Debt Securities. The cited regulation incorporates the term "Debenture Rate", which is defined elsewhere in 13 CFR 107.3 in terms that require SBA to publish, from time to time, the rate charged on ten-year debentures sold by Licensees to the public. Notice of this rate will be published upon change in the Debenture Rate.

Accordingly, Licensees are hereby notified that effective the date of publication of this Notice, and until further notice, the Debenture Rate to be used for computation of maximum cost of money pursuant to 13 CFR 107.302 (a) and (b) is 8.60 percent per annum.

13 CFR 107.302 does not supersede or preempt any applicable law imposing an interest ceiling lower than the ceiling imposed by its own terms. Attention is directed to section 308(i) of the Small Business Investment Act, as further amended by section 1 of Public Law 99-226, December 28, 1985 (99 Stat. 1744), to that law's Federal override of State usury ceilings, and to its forfeiture and penalty provisions.

(Catalog of Federal Domestic Assistance Program No. 59.011, small business investment companies)

Robert G. Lineberry,
Deputy Associate Administrator for Investment.

[FR Doc. 89-30020 Filed 12-27-89; 8:45 am]
BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

President's Commission on Aviation Security and Terrorism; Closed Meeting

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Notice of closed meeting of the President's Commission on Aviation Security and Terrorism.

SUMMARY: The Commission will be meeting in closed session to discuss matters relating to national security; Commission organization, personnel, and related matters; matters exempt from mandatory investigations and proceedings; and information whose premature disclosure would likely significantly frustrate agency action.

DATE: Wednesday, January 10, 1990, 12 noon, ET.

ADDRESS: Suite 203, 1825 K Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Harry R. Van Cleve, President's Commission on Aviation Security and Terrorism, 1825 K Street, NW., Suite 519, Washington, DC 20036; telephone (202) 254-3166; FAX (202) 254-3359.

SUPPLEMENTARY INFORMATION: In accordance with section 10 of the Federal Advisory Committee Act, this meeting will be closed to the public because matters will be discussed that come within the following provisions of 5 USC 552b(c): (1) matters required to be kept secret in the interest of national security; (2) internal personnel rules and practices of the Commission; (3) matters exempt from mandatory disclosure by statute, namely section 316, Federal Aviation Act of 1958, as amended; (7) matters related to civil and administrative law enforcement investigations; and (9) information whose premature disclosure would likely lead to significant frustration of actions proposed by DOT or other agencies.

Issued in Washington, DC on December 21, 1989.

Harry R. Van Cleve,
Commission General Counsel.

[FR Doc. 89-30042 Filed 12-27-89; 8:45 am]
BILLING CODE 4910-62-M

[Docket No. 46393]

Application of Discovery Airways, Inc., for a Certificate of Public Convenience and Necessity

AGENCY: Department of Transportation.

ACTION: Notice of Order to Show Cause, (Order 89-12-41).

SUMMARY: The Department of Transportation is proposing to find that Discovery Airways, Inc., is fit, willing, and able to provide certificated operations under section 401(d)(1) of the Federal Aviation Act.

DATES: Persons wishing to file objections should do so no later than January 2, 1990.

ADDRESSES: Objections and answers to objections should be filed in Docket 46393 and addressed to the Documentary Services Division (C-55, Room 4107), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590 and should be served upon the parties listed in Appendix B to the order.

FOR FURTHER INFORMATION CONTACT: Mrs. Barbara P. Dunnigan, Air Carrier Fitness Division (P-58, Room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-2342.

Dated: December 21, 1989.

Jeffrey N. Shane,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 89-30066 Filed 12-27-89; 8:45 am]

BILLING CODE 4910-62-M

Coast Guard

[CGD1 89-143]

New York Harbor Traffic Management Advisory Committee; Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 USC App. I), notice is hereby given of a meeting of the New York Harbor Traffic Management Advisory Committee to be held on January 24, 1990, in the Conference Room, second floor, U.S. Coast Guard Marine Inspection Office, Battery Park, New York, New York, beginning at 10:00 a.m.

The agenda for this meeting of the New York Harbor Traffic Management Advisory Committee is as follows:

1. Introductions.
2. Update of Navy Homeport Project, Restricted Area in Anchorage Grounds 23-A and 23-B.
3. New Jersey State Police Marine Unit presentation.
4. Update Newark Bay dredging status.
5. Update Kill Van Kull Dredging Project.

6. Topics from the floor.
7. Review of agenda topics and selection of date for next meeting.

The New York Harbor Traffic Management Advisory Committee has been established by Commander, First Coast Guard District to provide information, consultation, and advice with regard to port development,

maritime trade, port traffic, and other maritime interests in the harbor. Members of the Committee serve voluntarily without compensation from the Federal Government.

Attendance is open to the interested public. With advance notice to the Chairperson, members of the public may make oral statements at the meeting. Persons wishing to present oral statements should so notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Committee at any time.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander L. Brooks, USCG, Executive Secretary, NY Harbor Traffic Management Advisory Committee, Port Safety Office, Building 109, Governors Island, New York, NY 10004; or by calling (212) 668-7834.

Dated: December 13, 1989.

R.I. Rybacki,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 89-30171 Filed 12-27-89; 8:45 am]

BILLING CODE 4910-14-M

Federal Highway Administration

Environmental Impact Statement: Tarrant County, TX

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that separate environmental documents will be prepared for a proposed expansion of State Highway 199 in Tarrant County, Texas. Ongoing studies have identified two disparate environmental and design situations, and the original project has been separated accordingly. The project was initially planned to be studied in a single environmental impact statement (EIS) for which a Notice of Intent was published in the March 18, 1987 Federal Register.

FOR FURTHER INFORMATION CONTACT: W.L. Hall, Jr., P.E., District Engineer, Federal Highway Administration, Federal Office Building, Room 826, 300 East Eighth Street, Austin, Texas 78701, Telephone: (512) 482-5988.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Texas State Department of Highways and Public Transportation (SDHPT), intends to prepare two environmental documents for connecting projects on State Highway 199 which were initially to be studied in a single EIS. The original limits were between Spur 344 in

Azle and the proposed SH 121 near downtown Fort Worth.

An environmental impact statement will be prepared for the expansion of SH 199 from FM 1886 (Confederate Parkway) in the cities of Lakeside and Fort Worth to the proposed SH 121 (Southwest Freeway) near downtown Fort Worth. The western terminus of the project lies at the eastern end of the FM 1886/SH 199 interchange, and the eastern terminus is at the western end of the proposed SH 121/SH 199 interchange.

This section of SH 199 will be upgraded from four to eight lanes with auxiliary lanes and full control of access. An EIS will be prepared because the proposed project lies primarily within a densely developed urban area. Three alternative routes will be assessed due to concern over potential effects, in particular economic and community cohesion impacts. In addition to construction scenarios, the EIS will address no-build and transportation system management alternatives.

This highway portion connects the cities of lakeside, Lake Worth, Sansom Park, River Oaks, and Fort Worth in northwestern Tarrant County. It provides residents of these cities improved travel to downtown Fort Worth. In 1980, Lakeside had a population of 957; Lake Worth, 4,394; Sansom Park, 3,921; River Oaks, 6,890; and Fort Worth, 385,164. SH 199 also serves as an interregional route between Fort Worth and Lubbock.

The existing facility is inadequate to handle traffic needs. Average annual daily traffic for 1988 ranged from 22,000 to 37,000 vehicles per day.

The analysis of the SH 199 expansion between FM 730 and FM 1886 will be documented in an environmental assessment (EA) and removed from the EIS. The project limits include the FM 730 and FM 1886 interchanges with SH 199. The western limit has been extended from Spur 344 to FM 730.

Within the project area, SH 199 is currently a four-lane divided facility with continuous frontage roads and crossings at-grade. Grade separation structures and ramps will be built to provide full control of access. Lanes will also be added, as needed, to accommodate anticipated traffic.

The western section of SH 199 will be analyzed separately in an EA because the environmental studies in progress have found that impacts will be minimal. Part of the project will be constructed within the existing right of way, and no feasible alternative routes are available. Additionally, the accident

rate on the existing facility has been high—660 accidents occurred during the years 1984–89.

This portion connects the cities of Azle and Lakeside in northwestern Tarrant County. It provides residents of these two cities, Fort Worth, unincorporated Tarrant County, and the adjacent Parker County, improved travel to downtown Fort Worth. In 1980, Azle had a population of 5,822; Lakeside, 957; and Fort Worth, 385,164.

Traffic volumes have increased considerably. The existing facility is inadequate to handle traffic needs safely. Average annual daily traffic for 1988 ranged from 26,000 to 33,000 vehicles per day.

Because it is difficult to predict funding availability, the SDHPT has not yet decided whether to use State or Federal funds to finance construction of these projects.

Both proposed expansions will safely and efficiently provide for the transportation needs of the area. They will alleviate congestion and delays, generally improving access to housing, businesses, employment, schools, and churches. Upgrading these two portions of SH 199 to freeway status is anticipated to be accomplished within the next ten years.

A project concept conference with local officials was held April 7, 1987. Two public meetings were held in 1987—one in Azle, the other in Lake Worth, and public hearings are planned for the future. The provision of adequate notice concerning the times and

locations of public meetings and hearings is standard procedure.

To ensure the full range of related issues is addressed, comments and suggestions are invited from all interested parties. Comments and questions should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: December 19, 1989.

W.L. Hall, Jr.,

District Engineer, Austin, Texas.

[FR Doc. 89-30062 Filed 12-27-89; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: December 21, 1989.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the

Treasury, Room 2224, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512-0095

Form Number: ATF F 1678 (5530.5)

Type of Review: Extension

Title: Formula and Process for

Nonbeverage Products

Description: Businesses which use taxpaid alcohol to manufacture non-beverage products may file a claim for drawback (refund or remittance), if they can substantiate by using ATF F 1678 (5530.5) that the spirits were used in the manufacture of products unfit for beverage purposes. This determination is based on the formula for the product.

Respondents: Businesses or other for-profit, small businesses or organizations

Estimated Number of Respondents:

625

Estimated Burden Hours Per

Response: 30 minutes

Frequency of Response: On occasion

Estimated Total Reporting Burden:

2,500 hours

Clearance Officer: Robert Masarsky

(202) 566-7077, Bureau of Alcohol, Tobacco and Firearms, Room 7011, 1200 Pennsylvania Avenue, NW., Washington, DC 20226

OMB Reviewer: Milo Sunderhauf
(202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 89-30037 Filed 12-27-89; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register

Vol. 54, No. 248

Thursday, December 28, 1989

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 11:00 a.m., Wednesday, January 3, 1990.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: December 28, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-30283 Filed 12-26-89; 3:05 pm]

BILLING CODE 6210-01-M

UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS

Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 1:00 p.m. on Monday, January 8, 1990, and at 8:30 a.m. on Tuesday, January 9, 1990, in Washington, DC. The January 8 meeting, at which the Board will discuss preparations for the rate case filing and possible strategies in collective bargaining negotiations, is closed to the public. (See 54 FR 51459, December 15, 1989). The January 9 meeting is open to the public and will be held in the Benjamin Franklin Room at Postal Service Headquarters, 475 L'Enfant Plaza, SW. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 268-4800.

Agenda

Monday Session

January 8—1:00 p.m. (Closed)

1. Preparations for Rate Case Filing. (Comer S. Copple, Senior Assistant Postmaster General, Finance Group; and Frank R. Heselton, Assistant Postmaster

General, Rates and Classification Department)

2. Status report on Preparations for Collective Bargaining. (Joseph J. Mahon, Jr., Assistant Postmaster General, Labor Relations Department)

Tuesday Session

January 9—8:30 a.m. (Open)

Minutes of the Previous Meeting, December 4-5, 1989.

2. Remarks of the Postmaster General.

3. Election of Chairman and Vice Chairman.

4. Annual Report on Sunshine Act Compliance. (David F. Harris, Secretary to the Board)

5. Annual Report of the Postmaster General. (Deborah K. Bowker, Assistant Postmaster General, Communications Department)

6. Wrap-up Briefing on UPU Congress. (Thomas E. Leavey, Assistant Postmaster General, International Postal Affairs Department)

7. Report on Human Resources Group Programs. (David H. Charters, Senior Assistant Postmaster General, Human Resources Group)

8. Annual Report on EEO/Affirmative Action. (Sherry A. Cagnoli, Executive Director, Office of Equal Employment Opportunity)

9. Tentative Agenda for February 5-6, 1990, meeting in Los Angeles, California.

David F. Harris,

Secretary.

[FR Doc. 89-30277 Filed 12-26-89; 2:27 pm]

BILLING CODE 7710-12-M

United States Federal Reserve

Thursday
December 28, 1989

Part II

Department of Justice

Office of Justice Programs

Office of Juvenile Justice and Delinquency
Prevention

Proposed Comprehensive Plan for Fiscal
Year 1990; Notice

DEPARTMENT OF JUSTICE

Office of Justice Programs

Office of Juvenile Justice and Delinquency Prevention

Proposed Comprehensive Plan for Fiscal Year 1990

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Notice of proposed comprehensive plan for fiscal year 1990.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention is publishing for public comment this Notice of its Proposed Comprehensive Plan for Fiscal Year 1990.

DATES: Comments must be submitted on or before February 12, 1990.

ADDRESS: Comments may be mailed to Terrence S. Donahue, Acting Administrator, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: D. Elen Grigg, (202) 724-7751. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of section 204(b)(5)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, (section 5614(b)(5)(A) of title 42 U.S.C.A.), the Acting Administrator of the Office of Juvenile Justice and Delinquency Prevention is publishing for public comment, a proposed comprehensive plan describing the particular activities which he intends to carry out during Fiscal Year 1990. The comprehensive plan includes activities specified in parts C (section 5651 of title 42 U.S.C.A. et seq.) and D (section 5668 of title 42 U.S.C.A. et seq.) of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. Taking into consideration comments received during the 45-day period beginning on the date of publication of the proposed comprehensive plan, the Acting Administrator will develop and publish a final plan describing the particular activities which he intends to carry out during Fiscal Year 1990, including those under parts C and D of title II of said Act.

Introduction

The Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, as amended, established the Office of Juvenile Justice and Delinquency Prevention (OJJDP) as the Federal government's primary agency for addressing the issues of juvenile crime and related problems in a systematic

and comprehensive manner. The mission of the OJJDP is to provide direction, coordination, leadership and resources to states and localities in implementing the mandates and goals of the JJDP Act, within the appropriations provided for the program annually, and in a manner consistent with the policies and directions established by the President and the Attorney General. In 1984, Congress passed the Missing Children's Assistance Act, making OJJDP also responsible for Federal missing and exploited children programs.

It is the purpose of the OJJDP pursuant to sections 101, 102, 401 and 402 of the JJDP Act to develop and provide information to states and communities on:

- What programs are promising or effective; and
- How public and private agencies can provide more effective services and deploy resources more efficiently.

Goals

The FY 1990 program goals are: *Prevention and Control of Illegal Drug Use Among High Risk Youth*—programs are designed to promote the concept of accountability of youth, their families, and communities for eliminating illegal drug use.

Prevention and Control of Serious Juvenile Crime—programs are focused on the development of effective approaches and coordination of services across local system components to concentrate and direct resources to response to serious juvenile crime, youth gangs, family dysfunction and illiteracy.

State Compliance with the Formula Grant Mandates—programs are designed to assist States in achieving compliance with Federal statutory mandates including the deinstitutionalization of status offenders; removal of juveniles from adult jails and lockups; and separation of juveniles from adults during incarceration.

Prevention and Intervention for Missing and Exploited Children—programs are designed to reduce the incidence of crimes against children, particularly abduction and sexual exploitation, and to improve the responses of agencies that are responsible for dealing with these crimes.

Direction

Federal direction, coordination and leadership must be closely linked to States and communities that have the authority, responsibility and resources to solve the problems of juvenile crime and victimization. A comprehensive

national strategy involving both the discretionary and formula grant resources will advance the goals of the Act and improve the juvenile justice system.

This fiscal year the direction will be to promote coordination between the discretionary and formula grant program; improve communication and procedures between the Office and other State and local juvenile justice agencies; initiate new methods and procedures for monitoring grants and contracts as well as tracking the use of formula funds; and enhance the knowledge and skills of professionals in the field by providing training, technical assistance, and disseminating information.

Program Principles

In order to accomplish the purpose of the Office, programs will be based on four principles.

1. Research-based program designs that target risk factors

Many factors, including illegal drug use, family break-up, poor family relationships, school failure, illiteracy, gang membership, high crime neighborhoods, and sexual exploitation, place youth at risk of delinquency. Furthermore, the more of these factors youth experience the more vulnerable they are to crime and exploitation. As a result, to be effective, programs must provide a range of services that target multiple risk factors. State and local agencies must coordinate their program efforts and involve all components of the juvenile justice system; prevention, intervention, adjudication, and supervision. This is accomplished through:

2. Emphasis on change at the legal, policy, procedural, and practice level

3. System coordination of services and programs

4. Redevelopment of existing resources

FY 1990 Program Planning Activities

The program planning process consisted of an internal review of existing programs as well as external input from a variety of sources: juvenile justice policy makers and practitioners from the State and local levels, OJJDP grantees and contractors, State planning agencies and advisory groups, human service organizations from the public and private sector, and professional associations with interests in juvenile justice and related issues.

The following are brief summaries of each of the proposed programs planned for FY 1990. They are organized

according to the four primary components of the juvenile justice system: prevention, intervention, adjudication and supervision.

The specific programs to be funded within each category are planned and subject to change. For each new program, the program goal it addresses is identified. About 50% of the discretionary funds are expected to be devoted to prevention programs. Since the priorities for missing and exploited children are published separately for comment, continuation and new activities for that area are not included in this document.

All the proposed new programs address the program goals of (*) Prevention and Control of Illegal Drug Use Among High Risk Youth or (**) Prevention and Control of Serious Juvenile Crime, as indicated on the following pages.

The discretionary programs identified in this plan respond to the legislative direction provided in parts A, B, C and D of the JJDP Act as amended.

Interested persons are invited to submit written comments up to 45 calendar days from the Federal Register publication date. Address all comments to Mr. Terrence S. Donahue, Acting Administrator, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue NW., Room 742, Washington, DC 20531.

Prevention

These types of activities are directed at encouraging law-abiding conduct and reducing the incidence of criminal activity of all youth under the age of eighteen. Prevention services are focused on assisting youth at risk of delinquency and drug abuse because they lack appropriate ties to family, school, peers and community agencies. Prevention services are provided by a range of public and private agencies including schools, mental health agencies, social service agencies, churches, and private youth-serving organizations. The services address a variety of problems and needs, such as family dysfunction, unemployment, illiteracy, after school care, crisis intervention, and recreation.

Continuation Programs

Serious Habitual Offender Comprehensive Action Program

The purpose of this program is to provide intensive training and technical assistance to selected communities in order to promote specific policies and practices among the primary components of the juvenile justice system. It will improve the capability of

the system to efficiently identify, adjudicate, and provide appropriate supervision and services for serious habitual juvenile offenders.

Prevention and Control of Delinquency in Public Housing

The purpose of this program is to establish Boys and Girls Clubs in selected housing projects. This goal will be accomplished by providing training and technical assistance to personnel from both the public housing authority and the sponsoring Boys and Girls Clubs. The program will help local communities provide alternatives to illegal drug use [e.g., recreation, education, and referral services] for at-risk youth in public housing projects.

Proyecto Esperanza/Project Hope

The purposes of this program are to assess family strengthening and crisis intervention programs and to design model programs for Hispanic families.

Law-Related Education (LRE)

The purpose of this program is to provide training and materials to State and local school jurisdictions to encourage and guide them in establishing LRE delinquency prevention programs in the curriculums of grades kindergarten through 12. It assists schools in helping children to understand the law and its role in society.

Emphasis will be placed on training in the area of alternative sanctions and drug abuse prevention.

National School Safety Center

The purpose of this program is to provide information on school safety; identify methods to diminish crime, violence, and illegal drug use in schools and on school campuses; and to develop innovative crime prevention and school discipline programs. It assists schools in implementing a variety of strategies to create a safe environment.

National Youth Gang Suppression and Intervention Project

The purpose of this development program is to promote effective policies and practices for joint responses to juvenile gang activity by law enforcement, adjudication, and corrections agencies. The continuation activities of this program will focus on providing training and technical assistance to support sites implementing the program models.

Super Teams

This is a drug prevention program utilizing peer counseling and professional athletes. It is a program

where student leaders are selected, support for the program is obtained from school personnel and parents, and students are trained to combat peer pressure and use techniques to influence other youngsters to refrain from abusing alcohol and drugs.

Targeted Outreach: Gang Intervention/Prevention Supplement

The goal of this project is to help local Boys Clubs target gang-involved youth by providing alternative or supplemental services to the juvenile court and other youth-serving agencies.

Cities in Schools (Partnership Plan)

The purpose of this program is to develop state and local public/private partnerships designed to establish educational and social programs that provide comprehensive services to youth at risk of becoming involved in delinquency and illegal drug use. It prevents youth from dropping out of school and provides alternative educational services in response to the problems of illiteracy and academic underachievement through intensive special education and remedial education services.

National Congress of Black Churches' Anti-Drug Abuse Program

The purpose of this project is to design and implement a community capacity building and mobilization program. It will assist communities in developing comprehensive strategies to prevent and intervene in illegal drug use among youth.

Cities in Schools (Alternative School Program)

Through a public-private venture involving support from OJJDP and Burger King Corporation, Cities in Schools will replicate the alternative school concept in 10 communities. As part of this project, Burger King has agreed to make scholarship funds and employment and training opportunities available to CIS students who still stay drug free. It prevents youth from dropping out of school and provides alternative educational services in response to the problems of illiteracy and academic underachievement as well as learning disabilities.

Exploring Careers in Criminal Justice and Law Enforcement

The Law Enforcement Exploring Program of the Boy Scouts of America gives young people an opportunity to assess their interest in and potential for a career in the criminal justice system. This apprenticeship-type program in

which youth provide direct assistance to law enforcement agencies builds mutual understanding among practitioners, teenagers, and the general public, thereby contributing to delinquency prevention and control. Special attention is also given to prevention of illegal drug use.

Causes and Correlates of Delinquency

This program is designed to improve understanding of the development of positive, delinquent, and drug-use behavior patterns in the context of the community, the family, and the individual. It will identify factors that must be considered in classifying youth's risk for involvement in delinquency and in designing effective interventions for all types of youth.

Drug Free School Zones in the District of Columbia

The purpose of this program is to design and demonstrate a process of developing and implementing drug free school zones in five target District of Columbia schools and surrounding communities. It targets both supply and demand side problems.

Public Housing Opportunity Centers

This project involves the use of a systemwide community organization and planning approach to develop a comprehensive strategy for creating drug free public housing.

New Programs

Drug Abuse Prevention Among High School Youth*

A drug abuse prevention program designed to empower high school-aged youth to take an active role in preventing drug and alcohol use and impaired driving by their peers. It would provide support for a demonstration program in approximately five cities.

Dissemination of Information on Drug Abuse Among High Risk Youth*

This program is designed to provide states and communities information and guidance regarding community organization and program development strategies as well as promising program models that relate to the prevention and control of drug use among high risk youth.

Drug Abuse Among Minorities*

This is a program designed to increase understanding of the causes of drug abuse among minority youth and the implications for developing effective prevention programs.

Model Programs for Prevention, Intervention and Treatment of Illegal Drug Use*

This program is designed to implement models for the prevention, intervention, and treatment of illegal drugs and alcohol use among juveniles and evaluate their effectiveness.

Drug Abuse Among Native Americans*

This program is designed to provide information on effective juvenile drug programs to Native American tribes.

Prevention of Adolescent Victimization**

This program is designed to reduce adolescent victimization and utilize youth as crime prevention and community resources. Emphasis will be placed on alternative sanctions and privatization in the materials and services generated by program.

Intervention

These types of activities are initiated by public officials such as police officers, child protective service, mental health, or school personnel with a youth or family in response to apparent neglect or abuse, noncriminal misbehavior, delinquent conduct, medical emergencies and/or family crises. Intervention also encompasses services provided to youth who are diverted out of the juvenile justice process by public officers and who are not under the supervision or the threat of prosecution for failure to accept services that are designed to prevent further entry into the system.

Continuation Programs

Victims and Witnesses in the Juvenile Justice System

The purposes of this program are to document existing approaches used by the juvenile justice system to handle victims and to develop model policies and procedures as well as training curricula to increase victim satisfaction. The continuation activities of this program will focus on providing training assistance to support sites implementing the program models.

Juvenile Justice Prosecution Project

The purpose of this program is to design and implement policy development workshops for chief prosecutors and for juvenile unit chiefs in district attorney offices.

Juvenile Justice Training for State and Local Law Enforcement Personnel

The purpose of this program is to improve decision making by State and local law enforcement personnel by providing them with a better

understanding of the juvenile justice system. Particular emphasis is placed on increasing the effectiveness of child abuse investigations and making informed decisions regarding the arrest and disposition of juveniles.

Juvenile Justice Training for Court Personnel

This program provides specialized workshops to help juvenile justice court personnel improve their skills in processing juveniles through the justice system and to help develop programs to meet the needs of juveniles.

New Programs

Dissemination of Information on Juvenile Gang Crime**

This program is designed as a national scope effort for the collection, assessment, and dissemination of research and information on juvenile gang crime, as well as promising/effective approaches to preventing and controlling crime by juvenile gangs.

Models for Juvenile Gang Suppression and Intervention**

This program is designed to implement models for suppressing and intervening with youth gangs and evaluate their effectiveness.

Adjudication

These types of activities focus on the court with jurisdiction over delinquency, neglect and abuse, and noncriminal misbehavior and the related services of intake, detention, and dispositional decision making.

Continuation Programs

National Center for the Prosecution of Child Abuse

The purposes of this program are to provide training, technical assistance, and information to promote more informed and vigorous prosecution of child abuse and to minimize the trauma experienced by children whose cases are handled by the criminal justice system. It will improve the capability of communities to develop swift, effective legal responses to child abuse.

Juvenile Court Training and Technical Assistance

The purpose of this program is to provide juvenile and family court judges and other court-related personnel with training and technical assistance on pertinent case law, disposition and treatment options. It teaches new employees the basic skills needed to perform court-related duties. It also informs judges about the most recent

legal, social, and managerial developments in the field so they can improve their court's services to youth. Emphasis will be placed on training in the area of alternative sanctions, drug testing and privatization as well as responding to the problems of illiteracy, unemployability, and family dysfunction.

Court Appointed Special Advocates (CASA)

The purpose of this program is to provide training and technical assistance to local juvenile courts to promote the development and use of adult volunteers as court appointed special advocates for youth under the jurisdiction of the court. These volunteers assist the court in providing appropriate support to youth.

Technical Assistance to the Juvenile Courts

The purpose of this program is to provide technical assistance to the Nation's juvenile courts and court-related agencies. Through individualized technical assistance, the program improves the juvenile court's ability to develop and use information, its use of automated information systems, and its resource allocation. Emphasis will be placed on technical assistance in the area of alternative sanctions.

Restitution Education. Specialized Training and Technical Assistance (RESTTA)

The purpose of this program is to promote restitution as a viable disposition by providing training, technical assistance, and information about restitution to courts and juvenile justice practitioners.

Permanent Families for Abused and Neglected Children: A National Training and Technical Assistance Project

This program works with State Permanency Planning Task Forces to address both the legal and social issues associated with foster care as well as the need for permanent homes for children in foster care; and collaborates with the National CASA program to expand court advocate programs for these youth.

Children in Custody

The purpose of this program is to provide information on the characteristics and population of the Nation's juvenile detention, correctional, and shelter care facilities. Analytical reports—based on the 1984/1985 census, the fielding of the 1986/1987 census, and feasibility and pilot tests relating to a survey of juveniles in custody—will

assist the juvenile justice community in assessing existing institutionalization practices as well as the nature and level of services provided to selected populations in secure confinement.

National Juvenile Court Data Archive

The purpose of this program is to collect, process, analyze, and disseminate, through the maintenance of National Juvenile Court Data Archive, available data concerning cases handled by the Nation's juvenile courts. It provides direct assistance to jurisdictions in analyzing their juvenile court data so that they can better manage their case flow and allocate resources more effectively.

Supervision

These types of activities are related to the care and custody of juveniles placed by the court for delinquency, noncriminal misbehavior or neglect and abuse in residential and non-residential programs. Residential programs include detention centers, shelter care facilities, training schools, camps and ranches, group homes and community-based correctional centers. Non-residential supervision includes public and private probation services.

Continuation Programs

Research on Deinstitutionalization of Status Offenders

The purpose of this project is to evaluate the effects of deinstitutionalization on the juvenile justice system, other youth-serving agencies, and on youth involved in status offenses. It will guide community and state programs and legislative activities in providing services to this population.

Technical Assistance to the States

The purpose of this project is to provide assistance to States in developing and implementing comprehensive plans for the use of JJDP formula grant funds, including assistance in achieving compliance with the mandates of the JJDP Act, as amended.

Training and Technical Assistance for Juvenile Detention and Corrections

The purpose of this program is to provide training and technical assistance to managers and administrators of State and local juvenile detention and corrections programs. It assists communities in improving their pre-and-post-adjudicatory services and in achieving and maintaining compliance with the mandates of the JJDP Act. The focus will be on training in the areas of alternative

sanctions and drug testing as well as identifying and responding to the problems of illiteracy, learning disabilities and unemployment.

Training and Technical Assistance in Nonprofit Organization Management

The purpose of this project is to train managers and directors of private, not-for-profit, youth-serving agencies in all aspects of organizational leadership and management. It is designed to enhance the effectiveness of the organizations' service delivery and, as a result, strengthen their roles as resources in the juvenile justice system.

Juvenile Justice Clearinghouse/National Criminal Justice Reference Service

The purpose of this dissemination program is to provide information services to the juvenile justice community, as mandated in the JJDP Act of 1974, as amended. The Juvenile Justice Clearinghouse enables all sectors of the juvenile justice field to receive current information on advanced practices and techniques as it becomes available.

Juvenile Justice Resource Center

The purpose of this project is to provide technical assistance and support to the Office of Juvenile Justice and Delinquency Prevention, the National Institute for Juvenile Justice and Delinquency Prevention, OJJDP grantees, and the Coordinating Council on Juvenile Justice and Delinquency Prevention in all research, program development, evaluation, training, and research utilization activities.

State Advisory Group Training and Technical Assistance

This grant would provide training and technical assistance to an organization to conduct an annual conference relating to the activities of the State Advisory Groups (SAGs) and to fulfill the responsibilities as mandated in section 241(f) of the JJDP Act. Emphasis will be placed on training in the area of alternative sanctions.

Insular Area Support

The purpose of this program is to provide supplemental financial support to the Virgin Islands, Guam, American Samoa, the Freely Associated States of the Pacific Islands and the Commonwealth of the Northern Mariana Islands in accordance with section 224 of the JJDP Act, as amended.

Non-Participating State Initiative

The purpose of this program is to make funds available to non-

participating States in accordance with section 223(d) of the JJDP Act, as amended.

New Programs

Alternative Sanctions**

This program is designed to develop guidelines and implement pilot efforts, and provide related training on intensive, short-term correctional programs for juvenile offenders. Diagnostic and intensive services contained in these programs will focus on the programs of illiteracy, learning disabilities, unemployment and family dysfunction.

Privatization of Juvenile Correctional Services**

This program is designed to demonstrate the feasibility of providing selected juvenile correctional services by private contractors.

Special Education and Rehabilitation Services for Serious Juvenile Offenders**

This program is designed to develop and test prototype programs and practices for providing special education and rehabilitative services to serious juvenile offenders who have been adjudicated as being involved in illegal gang and drug activities.

Drug Screening and Testing**

This program is designed to provide training and technical assistance to juvenile probation and parole personnel on screening juvenile probationers to determine if they are using illegal drugs. It will also provide information on policies and procedures for the use of chemical drug testing with juvenile probationers.

Dated: December 20, 1989.

Terrence S. Donahue,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 89-30038- Filed 12-27-89; 8:45 am]

BILLING CODE 4410-01-M

Register Federal

Thursday
December 28, 1989

Part III

Department of Commerce

National Oceanic and Atmospheric
Administration

Announcement of the Decision to
Consider New Sites for Addition to the
National Marine Sanctuary Program Site
Evaluation List; Notice

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Announcement of the Decision to Consider New Sites for Addition to the National Marine Sanctuary Program Site Evaluation List

AGENCY: Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice.

SUMMARY: NOAA has determined that new sites should be considered for addition to its Site Evaluation List (SEL), the list from which sites are selected for evaluation as candidates for designation as national marine sanctuaries.

DATE: Comments on this determination will be considered if received by March 28, 1990.

ADDRESSES: Send comments to Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Washington, DC 20235.

FOR FURTHER INFORMATION CONTACT: Debra Malek, 202/673-5126.

SUPPLEMENTARY INFORMATION: Title III of the Marine Protection, Research, and Sanctuaries Act, as amended, 16 U.S.C. 1431 et seq., authorizes the Secretary of Commerce to designate discrete areas of the marine environment as national marine sanctuaries if the designation will fulfill the purposes and policies of title III (set forth in section 301(b) of the Act (16 U.S.C. 1431(b))) and: (1) The area proposed for designation is of special national significance due to its resource or human-use values; (2) existing state and Federal authorities are inadequate to ensure coordinated and comprehensive conservation and management of the area, including resource protection, scientific research, and public education; (3) designation of the area as a national marine sanctuary will facilitate the coordinated and comprehensive conservation and management of the area; and (4) the area is of a size and nature that will permit comprehensive and coordinated conservation and management.

Under National Marine Sanctuary Program regulations (15 CFR part 922), only sites on the SEL may be considered by the Secretary for subsequent review as "Active Candidates" for designation.

The original SEL, established in 1983 (48 FR 35568, August 4, 1983), consisted of 29 marine sites. These sites were identified and recommended for inclusion on the SEL by regional resource evaluation teams in accordance with site identification and selection criteria established for the purpose (48 FR 24296, May 31, 1983).

At that time, only sites with high natural resource values were considered for inclusion on the SEL. Later, in 1984, Title III was amended (Pub. L. No. 98-498) to include significant historical qualities as factors to be considered when selecting sanctuary sites. Sites possessing historical resources of special national significance, however, will be added to the SEL by a separate process in accordance with § 922.22 of the National Marine Sanctuary Program regulations.

With respect to sites considered for inclusion on the SEL because of their high natural resource values, the National Marine Sanctuary Program regulations provide for only two methods of adding such sites to the SEL: (1) By initiating a new site identification process following a five-year reevaluation of SEL sites as specified in § 922.21(d) of the regulations; or (2) as specified in § 922.21(e), by adding sites recommended for SEL status after determining that they meet the selection criteria and are highly qualified in accordance with the Program's mission and goals.

Five-Year Reevaluation

A recently completed five-year reevaluation of the sites on the SEL reveals that only four of the 29 sites have had a change in status. One (the Flower Garden Banks) is nearing designation while the other three (Stellwagen Bank, Washington State Nearshore and Western Washington Outer Coast) have become active candidates as the result of an amendment to title III of the Marine Protection, Research, and Sanctuaries Act. This amendment, signed into law on November 7, 1988, also required that studies be made of four areas not presently on the SEL to determine their suitability for designation.

Since the establishment of the SEL in 1983, no sites have been either added to the list or deleted from it. The 25 sites that have had no change in status continue to be as qualified as they were when they were placed on the SEL. There is therefore no reason to delete any of them from the list. Meanwhile, no sites have been recommended to NOAA for addition to the SEL under the

provisions of § 922.21(e). There has therefore been no opportunity to add sites to the list.

As a result of its five-year reevaluation of SEL sites, NOAA has decided that new sites should now be considered for addition to the SEL.

Site Addition Procedure

The Marine Sanctuary Program regulations (§ 922.21(d)) state: "If, after a five-year reevaluation, the Secretary determines that new sites should be considered for addition to the SEL, the Secretary shall publish a notice in the *Federal Register* at least 12 months prior to initiating a new site identification process. After a 90 day period is provided for public comment on the Secretary's determination, the Secretary shall reevaluate the prior SEL development process and publish a notice in the *Federal Register* requesting public comment on that process and any proposed modifications, if necessary."

This notice announcing the determination to consider new sites for addition to the SEL begins the procedure. Public Participation is provided for by the 90-day comment period on this determination and by the opportunity to comment on proposed modifications to the site identification process. Although the new site identification process has yet to be formulated and can not be initiated until 12 months after this date, sites may be recommended for addition to the SEL as specified by § 922.21(e) in the meantime.

Under the provisions of § 922.21(e), "the Secretary will consider recommendations of potential additional sites to the SEL only if such sites are important new discoveries or if substantial new information previously unavailable establishes the national significance of a known site. The Secretary may determine, after an opportunity for public review and comment, whether such sites meet the selection criteria and are highly qualified in accordance with the Program's mission and goals. Qualified sites will be added to the SEL for further evaluation as National Marine Sanctuaries, consistent with the procedures set forth in these regulations."

Further information about how to recommend sites for addition to the SEL under § 922.21(e) may be obtained from NOAA's Marine and Estuarine Management Division at the address listed at the beginning of this notice.

Status of Sites on 1983 Site Evaluation List

North Atlantic

Mid-Coastal Maine, Maine

Site Description: The site encompasses an area of 430 mi² (1,114 km²) of coastal waters partially under State and partially under Federal jurisdiction. Johns and Muscongus Bays and the estuaries of the Kennebec, Sheepscot, and Damariscotta rivers are located within the site boundaries. Also included within these boundaries are Southport, Sequin, Damariscove, Fishermen's Inner Heron, Outer Heron, White, Squirrel, Georges, and Monhegan Islands.

Status: Unchanged.

Stellwagen Bank

Site Description: The site, encompassing an area of 600.9 mi² (1,556 km²), is centered on Stellwagen Bank, which is in Federal waters, 8.3 miles (10.2 km) north of Cape Cod, Massachusetts.

Status: An amendment to Title III of the Marine Protection, Research, and Sanctuaries Act, signed into law on November 7, 1988, directs the Secretary of Commerce to submit a prospectus on the proposed designation of the site as a national marine sanctuary to the Committee on Merchant Marine and Fisheries of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate no later than September 30, 1990. The site has since become an active candidate.

Nantucket Sound/Shoals and Oceanographer Canyon

Site Description: The site encompasses approximately 1,800 mi² (4,660 km²) and includes Nantucket Sound, Nantucket Shoals, and Oceanographer Canyon. The Nantucket Sound site is in Federal waters between Nantucket Island and Cape Cod, Massachusetts, and its boundaries are contiguous with the Massachusetts Ocean Sanctuaries.

Status: Unchanged.

Virginia/Assateague Island

Site Description: The site encompasses approximately 1,200 mi² (3,100 km²) and includes the estuarine waters and wetlands adjacent to the barrier islands and mainland along the coast of Maryland and Virginia from the north end of Assateague Island southward to Fisherman's Island and the marine waters extending to 10 miles (16 km) from the shore.

Status: Unchanged.

South Atlantic Region

Ten Fathom Ledge-Big Rock

Site Description: The site consists of two areas. The inner-shelf site (Ten Fathom Ledge) is a 135 mi² (350 km²) rectangle with its center located about 17 miles (27 km) south of Cape Lookout, North Carolina. The outer shelf site (Big Rock) is located on the shelf break about 36 miles (580 km) offshore, and is a 36 square mile (93 km²) area.

Status: Unchanged.

Port Royal Sound, South Carolina

Site Description: The site lies entirely within State waters encompassing an area of approximately 55 mi² (140 km²).

Status: Unchanged.

Florida Coral Grounds, Florida

Site Description: The site consists of two areas off the coast of Florida. These two areas are the 4.5 mi² (11.7 km²) "worm" or "bathtub" reef at St. Lucia, Florida, and 92 mi² (238 km²) of the Oculina Reefs located 17 miles (27 km) off the Florida coast in 230 to 330 feet (70 to 100 m) of water.

Status: Unchanged.

Caribbean Region

Cordillera Reefs, Puerto Rico

Site Description: The site encompasses approximately 62 mi² (160 km²) around the Cordillera Islands lying entirely within the waters of the Commonwealth off its northeast coast.

Status: Unchanged.

Southeast St. Thomas, U.S. Virgin Islands

Site Description: The site consists of 12.3 mi² (32 km²) of territorial waters immediately southeast of St. Thomas, Jersey and Cowpet Bays, and the waters surrounding Great and Little St. James, Dog, Buck, and Capella Islands.

Status: Unchanged.

East End, St. Croix, U.S. Virgin Islands

Site Description: The site encompasses an area of approximately 40 mi² (105 km²). Entirely within territorial waters, it extends from the east end of St. Croix to Great Pond Bay on the south coast and includes the waters east of Buck Island and the area of Lang Bank out to a depth of 60 feet.

Status: Unchanged.

Gulf of Mexico Region

Big Bend Seagrass Beds, Florida

Site Description: The site encompasses 100 mi² (259 km²) of seagrass beds in the "big bend" region of Florida's west coast off the northernmost part of the peninsula.

Status: Unchanged.

Shoalwater Bay-Chandeleur Sound, Louisiana

Site Description: The site encompasses approximately 80 mi² (207 km²) of shallow-water seagrass beds located upon a subsiding remnant of abandoned Mississippi River delta in State waters. Adjacent to the east of this site is the Breton National Wildlife Refuge.

Status: Unchanged.

Flower Garden Banks

Site Description: The Flower Garden Banks are located due south of the Texas-Louisiana border at the edge of the continental shelf. The boundaries of the proposed sanctuary encompass an area of 55.2 mi² (41.7 nautical mi² or 143 km²) (19.2 nautical mi² or 65.9 km²) at the East Bank and 29.8 mi² (22.5 nautical mi² or 77.17 km²) at the West Bank.

Status: This site was announced as an active candidate in August 1984.

Baffin Bay

Site Description: At high tide, the site encompasses an area approximately 95 mi² (246 km²) entirely within Texas State waters. It incorporates Baffin Bay, Laguan Salada, Cayo del Grullo, and Alazan Bay.

Status: Unchanged.

Eastern Pacific

Washington State Nearshore, Washington

Site Description: The site encompasses approximately 250-275 mi² (650-720 km²) of waters around the San Juan Islands in Puget Sound.

Status: An amendment to Title III of the Marine Protection, Research, and Sanctuaries Act, signed into law on November 7, 1988, directs the Secretary of Commerce to submit a prospectus on the proposed designation of this site as the Northern Puget Sound National Marine Sanctuary to the Committee on Merchant Marine and Fisheries of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate no later than March 31, 1991. The site, now known as Northern Puget Sound, has since become an active candidate.

Western Washington Outer Coast, Washington

Site Description: The site extends from Duntz Rock (north of Tatoosh Island on the northwestern tip of Washington State), 90 miles (145 km) southward along the coast to Point Grenville. The area, encompassing approximately 230 mi² (600 km²), is

wholly within the jurisdiction of Washington State. The inshore boundary would extend to mean high water; the offshore boundary is contiguous with the boundary established for the Washington Islands National Wildlife Refuge, 2 to 3 miles (3.2 to 4.8 km) offshore.

Status: An amendment to Title III of the Marine Protection, Research, and Sanctuaries Act, signed into law on November 7, 1988, directs the Secretary of Commerce to designate this site as a national marine sanctuary no later than June 30, 1990. The site has since become an active candidate.

Heceta-Stonewall Banks of Oregon

Site Description: The site encompasses an area of approximately 400 square miles (1,000 km²) in Federal waters off the coast of Oregon. Its outer boundary lies along the 100-fathom (197 m) depth contours.

Status: Unchanged.

Morro Bay, California

Site Description: Situated south of the city of Morro Bay in San Luis Obispo County, this 2,000 acre embayment lies wholly within California State waters.

Status: Unchanged.

Tanner-Cortes Banks off California

Site Description: The site consists of two neighboring rocky-bottom banks some 112 miles (180 km) west of San Diego, California. The composite area of the two sites is approximately 10 mi² (260 km²).

Status: Unchanged.

Western Pacific Region

Northern Mariana Islands

Site Description: The site, encompassing approximately 700 mi² (1,800 km²), includes waters out to 12 miles (20 km) from Uracus, Maug, Asuncion, Pagan, Guguan and Saipan Islands.

Status: Unchanged.

Southern Marianas Islands

Site Description: The site consists of a variety of subunits off the islands of Saipan, Rota, Tinian, and Aguijan Islands and Naftan Rock. All subunit sites extend from the high water line to the 150 foot (46 m) depth contour. The subunit sites are located as follows: Saipan—Tanapag Lagoon, the fringing reefs around Managaha Island, the barrier reef around Point Sabaneta and south to Point Tanke; Tinian—the patch reef just south of the harbor; Rota—the fringing reefs and submarine terrace from West Dock south around Puntan Taipingot to East Dock as well as the southeastern portion of Sosanaya Bay;

Aguijan Islands—the waters surrounding the Aguijan Islands and Naftan Rock.

Status: Unchanged.

Cocos Lagoon, Guam

Site Description: The site includes the Cocos barrier reefs, Cocos Lagoon, three islets (Cocos Island, Babe Island, and a third sandy island), and the coastal region lying between the mouth of Mamaon and Manell Channels. The area of the barrier reefs and lagoon together is 3.9 mi² (10 km²).

Status: Unchanged.

Facpi Point to Fort Santa Angel, Guam

Site Description: The site extends from Facpi Point to Fort Santo Angel on the northern side of Umatac Bay and includes offshore waters to the 60 foot (18.3 m) depth contour. The total area of the site is approximately 2 mi² (5 km²).

Status: Unchanged.

Papalola Point, Ofu Island, American Samoa

Site Description: The site extends from the southernmost tip of Ofu Island eastward to Asagatai Point. It encompasses approximately 3 miles (4.8 km) of shoreline and adjacent fringing reef down to a depth of 150 feet (45 m).

Status: Unchanged.

Great Lakes Region

Cape Vincent (Lake Ontario), New York

Site Description: The site encompasses 450 mi² (1,165 km²) situated in the northeastern corner of Lake Ontario. The area provides the gateway to New York State's Thousand Islands resort district and the St. Lawrence Seaway.

Status: Unchanged.

Western Lake Erie Islands Including Sandusky Bay (Lake Erie), Ohio

Site Description: The site encompasses approximately 440 mi² (1,140 km²) of open Lake Erie waters, Sandusky Bay waters, and wetlands, all under the jurisdiction of the State of Ohio.

Status: Unchanged.

Thunder Bay (Lake Huron), Michigan

Site Description: The site, encompassing Thunder Bay and vicinity (to Middle Island) and extending out to 83° W., has an area of approximately 400 mi² (1,035 km²) and is entirely within Michigan State waters.

Status: Unchanged.

Green Bay (Lake Michigan), Michigan and Wisconsin

Site Description: The site encompasses approximately 1,300 mi²

(3,300 km²) of Michigan and Wisconsin waters in Green Bay and part of Lake Michigan.

Status: Unchanged.

Apostle Islands, Wisconsin/Isle Royale, Michigan (Lake Superior), Wisconsin/Michigan

Site Description: The site, composed of two important subunits, encompasses a total of 1,031 mi² (2,670 km²) of Wisconsin and Michigan waters situated in the western half of Lake Superior. One unit of the site, roughly 375 mi² (970 km²), lies adjacent to the Federally owned Apostle Islands National Lakeshore. The boundaries of this park extend one quarter of a mile (0.4 km) into Lake Superior. The second unit consists of 656 mi² (1,700 km²) of Michigan State waters and submerged lands surrounding Isle Royale National Park and extending to the 600 foot (183 m) depth contour. Eastward of Blake Point, the site boundary extends offshore Isle Royale a maximum distance of approximately 11.5 mi (18.5 km).

Status: Unchanged.

Non-SEL Sites Under Consideration

Active Candidates: Norfolk Canyon

Site Description: The site is centered on Norfolk Canyon, some 60 miles (100 km) off the mouth of Chesapeake Bay.

Monterey Bay, California

Site Description: The site consists of the area of coastal waters between Pigeon Point in San Mateo County and Point Sur in Monterey County and, from the mean high-tide line at these points, extending seaward 14.5 nautical miles on a southwesterly heading of 24°.

Status: Norfolk Canyon and Monterey Bay were two of several sites under consideration by NOAA for designation as national marine sanctuaries before the original SEL was developed. These sites were deliberately omitted from inclusion on the SEL because they had previously been selected for further evaluation. NOAA announced the active candidacy of Norfolk Canyon on February 28, 1986, and of Monterey Bay on January 6, 1989.

Study Areas: American Shoal, Florida

Site Description: The site extends west from Looe Key National Marine Sanctuary to the Marquesas Keys. American Shoal itself is located just to the west of Looe Key on the reef. The site, however, encompasses virtually all of the western part of the coral reef that runs parallel to the Florida Keys and would extend for one mile on each side.

Sombrero Key, Florida

Site Description: The site is centered on Sombrero Key, in the Florida Keys.

Alligator Reef, Florida

Site Description: The site extends from the southwest border of the Key Largo National Marine Sanctuary to Alligator Reef, some 15 miles (24 km) to the southwest along the reef structure paralleling the Keys. It would include one mile of water on each side of the main reef.

Santa Monica Bay, California

Site Description: The site consists of the waters enclosed by a boundary

extending generally southeast along the shoreline from Point Dume to Point Vincente, then west to the 900-meter bathymetric contour, then generally northwest along this contour to a point due west of Point Dume, then east returning to its beginning at Point Dume.

Status: An amendment to Title III of the Marine Protection, Research, and Sanctuaries Act, signed into law on November 7, 1988, directs the Secretary of Commerce to conduct studies of these four areas to determine whether they conform to the criteria for designation and whether their designation or incorporation into existing national marine sanctuaries would fulfill the

purposes and policies of section 303 of the Marine Protection, Research, and Sanctuaries Act.

List of Subjects in 15 CFR Part 922

Administrative practice and procedure, Environmental Protection, Marine resources, Natural resources.

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: December 19, 1989.

Virginia K. Tippie,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 89-30066 Filed 12-27-89; 8:45 am]

BILLING CODE 3510-08-M

Sequester Report

Thursday
December 28, 1989

Part IV

Office of Management and Budget

Revised Final OMB Sequester Report to
the President and Congress for Fiscal
Year 1990; Report Transmittal

**OFFICE OF MANAGEMENT AND
BUDGET****Revised Final OMB Sequester Report
to the President and Congress for
Fiscal Year 1990**

AGENCY: Office of Management and
Budget.

ACTION: Report Transmittal.

SUMMARY: This notice transmits the Revised *Final OMB Sequester Report to the President and Congress for Fiscal Year 1990* as required by the Omnibus Budget Reconciliation Act of 1989 (Pub. L. 101-239) with the provisions of the Balanced Budget and Emergency Deficit Control Act of 1985 (Pub. L. 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Pub. L. 100-119).

Dated: December 27, 1989.

Richard G. Darman,

Director.

BILLING CODE 3110-01-M



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

THE DIRECTOR

December 27, 1989

The President
The White House
Washington, DC 20500

Dear Mr. President:

Enclosed please find the *Revised Final OMB Sequester Report to the President and Congress for Fiscal Year 1990*, which has been prepared in accordance with the requirements of Section 11002 of the Omnibus Reconciliation Act of 1989 (P.L. 101-239). A new Presidential sequester order is also required by the Act and has been prepared for issuance today. Upon the issuance of the new order, the order of October 16, 1989 is rescinded by the Act.

The Report contains a table showing the revised sequestration calculations for fiscal year 1990 and an appendix that lists sequestration reductions by agency and budget account. After crediting savings from certain special rule programs, across-the-board reductions in sequesterable budgetary resources of 1.5 percent for defense programs and 1.4 percent for non-defense programs are necessary to achieve the outlay reduction of \$5.7 billion required by the Act.

Respectfully yours,

A handwritten signature in dark ink, appearing to read "Richard G. Darman".

Richard G. Darman
Director

Enclosure

IDENTICAL LETTERS SENT TO HONORABLE DAN QUAYLE, HONORABLE THOMAS S. FOLEY

REVISED FINAL OMB SEQUESTER REPORT TO THE PRESIDENT AND CONGRESS FOR FISCAL YEAR 1990

December 27, 1989



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

THE DIRECTOR

The following is the text of a letter transmitting the *Revised Final OMB Sequester Report to the President and Congress for Fiscal Year 1990*.

December 27, 1989

The President
The White House
Washington, DC 20500

Dear Mr. President:

Enclosed please find the *Revised Final OMB Sequester Report to the President and Congress for Fiscal Year 1990*, which has been prepared in accordance with the requirements of Section 11002 of the Omnibus Reconciliation Act of 1989 (P.L. 101-239). A new Presidential sequester order is also required by the Act and has been prepared for issuance today. Upon the issuance of the new order, the order of October 16, 1989 is rescinded by the Act.

The Report contains a table showing the revised sequestration calculations for fiscal year 1990 and an appendix that lists sequestration reductions by agency and budget account. After crediting savings from certain special rule programs, across-the-board reductions in sequesterable budgetary resources of 1.5 percent for defense programs and 1.4 percent for non-defense programs are necessary to achieve the outlay reduction of \$5.7 billion required by the Act.

Respectfully yours,

Richard G. Darman
Director

Enclosure

IDENTICAL LETTERS SENT TO HONORABLE DAN QUAYLE, HONORABLE THOMAS S. FOLEY

The revised sequestration calculations shown below, as well as the accompanying Appendix A listing the October 16th sequester baseline and revised sequester amounts, provide the information required under the Reconciliation Act of 1989. The Act also requires that the President's October 16th sequester order be replaced retroactively by a new order based on this report. The new order is to be issued today.

The principal change required under the Act is in the outlay reduction amount to be achieved by a sequester order. The October 16th report showed that \$16.1 billion in outlay reductions were necessary to reach the \$100 billion deficit target specified under the Balanced Budget Act. Under the Reconciliation Act, this figure is reduced to \$5.7 billion, by applying a factor of 130/365 to the original amount. This factor represents the equivalent of a full sequester for 130 days—until February 7, 1990, although the actual (reduced) sequester is to be in effect for the entire fiscal year. The reductions in automatic spending increase programs are also adjusted by this factor. The reductions originally required under the October 16th order for the guaranteed student loan program are to be continued only until December 31, 1989, to achieve a similar proportion of the original sequester. The new outlay savings estimated for the special rule programs are to be credited to the nondefense outlay reductions and are shown in the table below.

The remaining outlay reductions to be achieved by uniform across-the-board sequesters are \$2.9 billion for defense programs and \$2.8 billion for nondefense. The uniform reduction percentages to be applied to all sequesterable budgetary resources are 1.5% for defense programs and 1.4% for nondefense programs.

Revised Sequestration Calculations for 1990

(Dollar amounts in millions)

	Estimate
Required deficit reduction.....	5,734
Defense programs: ¹	
Total required outlay reductions.....	2,867
Estimated outlays associated with across-the-board sequesterable budgetary resources.....	187,995
Uniform reduction percentage.....	1.5%
Nondefense programs:	
Total required outlay reductions.....	2,867
Estimated savings from automatic spending increases:	
Vocational rehabilitation.....	17
Special milk program.....	*
Estimated savings from the application of special rules:	
Guaranteed student loan program.....	10
Foster care and adoption assistance.....	4
Amount remaining to be obtained from uniform percentage reductions of budgetary resources.....	2,837
Estimated outlays associated with across-the-board sequesterable budgetary resources ²	205,166
Uniform reduction percentage.....	1.4%

* \$500 thousand or less.

¹ Function 050, excluding FEMA programs.

² Includes \$6.3 billion in estimated 1991 outlays for the CCC and \$3.4 billion in outlays from offsetting collections that are subject to a 1990 sequester.

APPENDIX A: SEQUESTERABLE BASELINE AND REDUCTIONS BY AGENCY AND BUDGET ACCOUNT

(Fiscal year 1990; in thousands of dollars)

Percentages Used:

Nondefense, 1.4 percent

Defense, 1.5 percent

G-R-H Sequester Amounts

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Legislative Branch		
Senate		
Salaries, officers and employees (01-05-0110-801-A):		
Budget Authority	357,999	5,012
Outlays	342,605	4,796
House of Representatives		
Mileage of Members (01-10-0208-801-A):		
Budget Authority	218	3
Outlays	109	2
Salaries and expenses (01-10-0400-801-A):		
Budget Authority	525,719	7,360
Outlays	495,227	6,933
Congressional use of foreign currency, House of Representative (01-10-0488-801-A):		
401(C) Authority	3,360	47
Outlays	3,360	47
Joint Items		
Capitol Guide Service (01-12-0170-801-A):		
Budget Authority	1,269	18
Outlays	1,142	16
Joint Committee on Printing (01-12-0180-801-A):		
Budget Authority	1,190	17
Outlays	1,090	15
Joint Economic Committee (01-12-0181-801-A):		
Budget Authority	3,466	49
Outlays	3,293	46
Joint Committee on Inaugural Ceremonies of 1989 (01-12-0186-801-A):		
Budget Authority	811	11
Outlays	811	11
Office of the Attending Physician (01-12-0425-801-A):		
Budget Authority	1,469	21
Outlays	1,469	21
Joint Committee on Taxation (01-12-0460-801-A):		
Budget Authority	4,520	63
Outlays	4,068	57
Capitol Police Board (01-12-0474-801-A):		
Budget Authority	55,356	775
Outlays	53,695	752
General expenses, Capitol police (01-12-0476-801-A):		
Budget Authority	1,955	27
Outlays	1,703	24
Statements of appropriations (01-12-0499-801-A):		
Budget Authority	21	0
Official mail costs (01-12-0825-801-A):		
Budget Authority	55,867	782
Outlays	55,867	782
Congressional Budget Office		
Salaries and expenses (01-14-0100-801-A):		
Budget Authority	19,089	267
Outlays	17,180	241
Architect of the Capitol		
Office of the Architect of the Capitol: Salaries (01-15-0100-801-A):		
Budget Authority	6,799	95
Outlays	6,460	90
Contingent expenses (01-15-0102-801-A):		
Budget Authority	104	1
Outlays	104	1
Capitol buildings (01-15-0105-801-A):		
Budget Authority	16,073	225
Outlays	12,070	169

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Capitol grounds (01-15-0108-801-A):		
Budget Authority	3,921	55
Outlays	3,442	48
Senate office buildings (01-15-0123-801-A):		
Budget Authority	25,042	351
Outlays	20,759	291
House office buildings (01-15-0127-801-A):		
Budget Authority	30,044	421
Outlays	24,396	342
Capitol Power Plant (01-15-0133-801-A):		
Budget Authority	25,694	360
401(C) Authority—		
Off. Coll.	253	4
Outlays	18,367	257
Structural and mechanical care, Library buildings and grounds (01-15-0155-801-A):		
Budget Authority	7,797	109
Outlays	6,635	93
Library of Congress		
Salaries and expenses (01-25-0101-503-A):		
Budget Authority	153,941	2,155
401(C) Authority—		
Off. Coll.	5,060	71
Outlays	132,369	1,853
Copyright Office: Salaries and expenses (01-25-0102-376-A):		
Budget Authority	12,136	170
401(C) Authority—		
Off. Coll.	8,144	114
Outlays	19,551	274
Congressional Research Service: Salaries and expenses (01-25-0127-801-A):		
Budget Authority	46,491	651
Outlays	42,028	588
Books for the blind and physically handicapped: Salaries & exp (01-25-0141-503-A):		
Budget Authority	37,810	529
Outlays	15,502	217
National Film Preservation Board: Salaries & expenses (01-25-0143-503-A):		
Budget Authority	259	4
Outlays	259	4
Furniture and furnishings (01-25-0146-503-A):		
Budget Authority	3,503	49
Outlays	1,860	26
Gift and trust fund accounts (01-25-9971-503-A):		
Obligation limitation....	328	5
Government Printing Office		
Office of Superintendent of Documents: Salaries and expenses (01-30-0201-808-A):		
Budget Authority	14,249	199
Outlays	9,261	130
Congressional printing and binding (01-30-0203-801-A):		
Budget Authority	74,592	1,044
Outlays	66,387	929
Government Printing Office revolving fund (01-30-4505-808-A):		
Obligation limitation....	38,383	537
General Accounting Office		
Salaries and expenses (01-35-0107-801-A):		
Budget Authority	361,059	5,055
Outlays	327,834	4,590
United States Tax Court		
Salaries and expenses (01-40-0100-752-A):		
Budget Authority	30,482	427
Outlays	27,006	378

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Tax Court independent counsel, U.S. Tax Court (01-40-5023-752-A):		
401(C) Authority	10	0
Outlays	10	0
Legislative Branch Boards and Commissions		
Commission on Security & Cooperation in Europe: Salaries & exp (01-45-0110-801-A):		
Budget Authority	771	11
Outlays	698	10
Botanic Garden: Salaries and expenses (01-45-0200-801-A):		
Budget Authority	2,622	37
Outlays	2,386	33
Copyright Royalty Tribunal: Salaries and expenses (01-45-0310-376-A):		
Budget Authority	127	2
Outlays	113	2
Biomedical Ethics: Salaries and expenses (01-45-0400-801-A):		
Budget Authority	250	4
Outlays	180	3
International conferences and contingencies: House, Senate exp (01-45-0500-801-A):		
401(C) Authority	340	5
Outlays	340	5
Commission on Railroad Retirement Reform (01-45-0850-801-A):		
Budget Authority	1,024	14
Outlays	311	4
National Commission on Children (01-45-1050-801-A):		
Budget Authority	820	11
Outlays	718	10
U.S. Bipartisan Commission on Comprehensive Health Care (01-45-1100-801-A):		
Budget Authority	1,073	15
Outlays	902	13
Office of Technology Assessment		
Salaries and expenses (01-50-0700-801-A):		
Budget Authority	18,637	261
Outlays	13,438	188
John C. Stennis Center for Public Service Training and Development		
Payment to John C. Stennis Center (01-60-1200-801-A):		
Budget Authority	7,770	109
Outlays	7,770	109
Total, Legislative Branch:		
Budget Authority	1,912,039	26,769
401(C) Authority	3,710	52
401(C) Authority—		
Off. Coll.	13,457	189
Obligation limitation....	38,711	542
Outlays	1,742,775	24,400
The Judiciary		
Supreme Court of the United States		
Salaries and expenses (02-05-0100-752-A):		
Budget Authority	16,539	232
Outlays	11,759	165
Care of the building and grounds (02-05-0103-752-A):		
Budget Authority	2,212	31
Outlays	2,107	29

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
United States Court of Appeals for Federal Circuit		
Salaries and expenses (02-07-0510-752-A):		
Budget Authority	8,621	121
Outlays	8,022	112
United States Court of International Trade		
Salaries and expenses (02-15-0400-752-A):		
Budget Authority	8,307	116
Outlays	8,075	113
Courts of Appeals, District Courts and other Svcs		
Salaries and expenses (02-25-0920-752-A):		
Budget Authority	1,124,791	15,747
Outlays	1,109,401	15,532
Defender services (02-25-0923-752-A):		
Budget Authority	114,195	1,599
Outlays	43,280	606
Fees of jurors and commissioners (02-25-0925-752-A):		
Budget Authority	50,194	703
Outlays	42,517	595
Court security (02-25-0930-752-A):		
Budget Authority	42,917	601
Outlays	21,415	300
Registry administration (02-25-5101-752-A):		
401(C) Authority	21,000	294
Outlays	21,000	294
Administrative Office of the United States Courts		
Salaries and expenses (02-28-0927-752-A):		
Budget Authority	34,935	489
Outlays	31,861	446
Federal Judicial Center		
Salaries and expenses (02-30-0928-752-A):		
Budget Authority	11,628	163
Outlays	9,512	133
Judiciary Retirement Funds		
Payment to Judicial Officers' Retirement Fund (02-35-0941-752-A):		
Budget Authority	1,000	14
Outlays	1,000	14
Judicial Officers' Retirement Fund (02-35-8122-602-A):		
401(C) Authority	4,167	58
Outlays	4,167	58
Total, The Judiciary:		
Budget Authority	1,415,339	19,816
401(C) Authority	25,167	352
Outlays	1,314,116	18,397
Executive Office of the President		
The White House Office		
Salaries and expenses (03-10-0110-802-A):		
Budget Authority	29,047	407
Outlays	26,004	364
Executive Residence at the White House		
Operating expenses (03-20-0210-802-A):		
Budget Authority	5,925	83
401(C) Authority—		
Off. Coll.	1,471	21
Outlays	7,223	101

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Official Residence of the Vice President		
Operating expenses (03-21-0211-802-A):		
Budget Authority	267	4
Outlays	114	2
Special Assistance to the President		
Salaries and expenses (03-22-1454-802-A):		
Budget Authority	2,284	32
Outlays	1,923	27
Council of Economic Advisers		
Salaries and expenses (03-28-1900-802-A):		
Budget Authority	2,898	41
Outlays	2,633	37
Council/Office on Environmental Quality		
Council on Environmental Quality & Off. of Environmental Quali (03-31-1453-802-A):		
Budget Authority	884	12
Outlays	796	11
Office of Policy Development		
Salaries and expenses (03-35-2200-802-A):		
Budget Authority	3,119	44
Outlays	2,872	40
National Security Council		
Salaries and expenses (03-38-2000-802-A):		
Budget Authority	5,299	74
Outlays	4,208	59
National Space Council		
Salaries and expenses (03-39-0020-802-A):		
Budget Authority	188	3
Outlays	131	2
National Critical Materials Council		
Salaries and expenses (03-41-0111-802-A):		
Budget Authority	233	3
Outlays	209	3
Office of Administration		
Salaries and expenses (03-42-0038-802-A):		
Budget Authority	17,488	245
Outlays	13,825	194
Office of Management and Budget		
Office of Federal Procurement Policy: Salaries and expenses (03-45-0201-802-A):		
Budget Authority	2,447	34
Outlays	1,895	27
Salaries and Expenses (03-45-0300-802-A):		
Budget Authority	41,208	577
Outlays	37,837	530
Office of National Drug Control Policy		
Salaries and Expenses (03-47-1457-802-A):		
Budget Authority	3,628	51
Outlays	2,721	38
Office of Science and Technology Policy		
Salaries and expenses (03-49-2600-802-A):		
Budget Authority	1,648	23
Outlays	988	14

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Office of the United States Trade Representative		
Salaries and expenses (03-50-0400-802-A):		
Budget Authority	15,868	222
Outlays	13,805	193
Total, Executive Office of the President:		
Budget Authority	132,431	1,855
401(C) Authority—		
Off. Coll.	1,471	21
Outlays	117,184	1,642
Funds Appropriated to the President		
Unanticipated Needs		
Unanticipated needs (04-06-0037-802-A):		
Budget Authority	1,036	14
Outlays	995	14
Investment in Management Improvement		
Investment in Management Improvement (04-07-0061-802-B):		
Budget Authority	1,036	14
Outlays	777	11
International Security Assistance		
Peacekeeping operations (04-09-1032-152-A):		
Budget Authority	32,830	460
Outlays	22,653	317
Economic support fund (04-09-1037-152-A):		
Budget Authority	3,396,528	47,551
Outlays	1,863,174	26,084
Military assistance (04-09-1080-152-A):		
Budget Authority	485,480	6,797
Outlays	84,720	1,186
International military education and training (04-09-1081-152-A):		
Budget Authority	49,106	687
Outlays	24,553	344
Foreign military sales credit (04-09-1082-152-A):		
Budget Authority	4,426,569	61,972
Direct Loan		
Limitation	424,760	5,947
Outlays	1,853,063	25,943
Multilateral Assistance		
Contribution to the International Development Association (04-12-0073-151-A):		
Budget Authority	1,030,820	14,431
Contribution to the Asian Development Bank (04-12-0076-151-A):		
Budget Authority	157,878	2,210
Contribution to the International Bank for Reconstruction & De (04-12-0077-151-A):		
Budget Authority	51,801	725
Outlays	5,180	73
Contribution to the International Finance Corporation (04-12-0078-151-A):		
Budget Authority	5,068	71
Outlays	5,068	71
Contribution to the African Development Fund (04-12-0079-151-A):		
Budget Authority	108,780	1,523
Contribution to the African Development Bank (04-12-0082-151-A):		
Budget Authority	7,609	107
Outlays	7,609	107
International organizations and programs (04-12-1005-151-A):		
Budget Authority	234,255	3,280
Outlays	175,692	2,480

G-R-H Sequester Amounts—Continued
(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Agency for International Development		
Operating expenses, Agency for International Development (04-14-1000-151-A):		
Budget Authority	434,057	6,077
Outlays	325,330	4,555
Operating expenses of the AID Office of Inspector General (04-14-1007-151-A):		
Budget Authority	29,579	414
Outlays	22,173	310
American schools and hospitals abroad (04-14-1013-151-A):		
Budget Authority	36,260	508
Outlays	11,603	162
Development fund for Africa (04-14-1014-151-A):		
Budget Authority	569,800	7,977
Outlays	84,900	1,189
Functional development assistance program (04-14-1021-151-A):		
Budget Authority	1,256,845	17,596
Outlays	121,732	1,704
International disaster assistance (04-14-1035-151-A):		
Budget Authority	29,008	406
Outlays	7,252	102
Housing and other credit guaranty programs (04-14-4340-151-A):		
401(C) Authority—		
Off. Coll.	7,035	98
Guaranteed Loan		
Limitation	129,500	1,813
Outlays	7,035	98
Private sector revolving fund (04-14-4341-151-A):		
Budget Authority	8,808	123
Direct Loan		
Limitation	12,432	174
Guaranteed Loan		
Limitation	51,800	725
Trade and Development Program		
Trade and development program (04-16-1001-151-A):		
Budget Authority	25,908	363
Outlays	5,357	75
Peace Corps		
Peace Corps (04-18-0100-151-A):		
Budget Authority	160,013	2,240
Outlays	130,571	1,828
Overseas Private Investment Corporation		
Overseas Private Investment Corporation (04-20-4030-151-A):		
401(C) Authority—		
Off. Coll.	12,504	175
Direct Loan		
Limitation	23,828	334
Guaranteed Loan		
Limitation	181,300	2,538
Outlays	14,416	202
Inter-American Foundation		
Inter-American Foundation (04-22-4031-151-A):		
Budget Authority	17,201	241
401(C) Authority—		
Off. Coll.	13,277	186
Outlays	18,496	259

G-R-H Sequester Amounts—Continued
(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
African Development Foundation		
African Development Foundation (04-24-0700-151-A):		
Budget Authority	8,296	116
Outlays	4,479	63
Military Sales Programs		
Special defense acquisition fund (04-37-4116-155-A):		
Obligation limitation....	245,392	3,435
Foreign military sales trust fund (04-37-8242-155-A):		
401(C) Authority—		
Off. Coll.	263,000	3,682
Outlays	263,000	3,682
Special Assistance for Central America		
Central American reconciliation assistance (04-55-1038-152-A):		
Budget Authority	37,648	527
Outlays	37,648	527
Total, Funds Appropriated to the President:		
Budget Authority	12,602,213	176,430
401(C) Authority—		
Off. Coll.	295,816	4,141
Obligation limitation....	245,392	3,435
Direct Loan		
Limitation	461,020	6,455
Guaranteed Loan		
Limitation	362,600	5,076
Outlays	5,097,476	71,368
Department of Agriculture		
Office of the Secretary		
Office of the Secretary (05-03-0115-352-A):		
Budget Authority	6,190	87
Outlays	5,841	82
Gifts and bequests (05-03-8203-352-A):		
401(C) Authority	50	1
Outlays	50	1
Departmental Administration		
Rental payments and building operations (05-05-0117-352-A):		
Budget Authority	73,324	1,027
Outlays	63,635	891
Advisory committees (05-05-0118-352-A):		
Budget Authority	1,550	22
Outlays	1,088	15
Departmental administration (05-05-0120-352-A):		
Budget Authority	26,960	377
Outlays	22,404	314
Hazardous Waste Management (05-05-0500-304-A):		
Budget Authority	5,180	73
Outlays	5,095	71
Working capital fund (05-05-4609-352-A):		
Budget Authority	4,877	68
Outlays	3,576	50
Office of Governmental and Public Affairs		
Office of Governmental and Public Affairs (05-05-0130-352-A):		
Budget Authority	9,209	129
Outlays	7,094	99

G-R-H Sequester Amounts—Continued
(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Office of the Inspector General		
Office of the Inspector General (05-08-0900-352-A):		
Budget Authority	52,514	735
Outlays	47,054	659
Office of the General Counsel		
Office of the General Counsel (05-10-2300-352-A):		
Budget Authority	21,672	303
Outlays	19,734	276
Agricultural Research Service		
Agricultural Research Service (05-18-1400-352-A):		
Budget Authority	585,209	8,193
401(C) Authority—		
Off. Coll.	3,200	45
Outlays	471,121	6,596
Buildings and facilities (05-18-1401-352-A):		
Budget Authority	18,598	232
Outlays	2,490	35
Cooperative State Research Service		
Cooperative State Research Service (05-24-1500-352-A):		
Budget Authority	350,271	4,904
401(C) Authority	2,850	40
Outlays	201,264	2,818
Extension Service		
Extension Service (05-27-0502-352-A):		
Budget Authority	374,422	5,242
401(C) Authority—		
Off. Coll.	380	5
Outlays	282,309	3,952
National Agricultural Library		
National Agricultural Library (05-30-0300-352-A):		
Budget Authority	14,818	207
Outlays	11,046	155
National Agricultural Statistics Service		
Salaries and expenses (05-33-1801-352-A):		
Budget Authority	66,056	925
401(C) Authority—		
Off. Coll.	1,200	17
Outlays	58,645	821
Economic Research Service		
Salaries and expenses (05-36-1701-352-A):		
Budget Authority	51,307	718
Outlays	41,498	581
World Agricultural Outlook Board		
World agricultural outlook board (05-50-2100-352-A):		
Budget Authority	1,893	26
Outlays	1,509	21
Foreign Agricultural Service		
Foreign Agricultural Service (05-51-2900-352-A):		
Budget Authority	99,024	1,386
Outlays	59,352	831
Office of International Cooperation & Development		
Scientific activities overseas (05-53-1404-352-A):		
Budget Authority	1,036	14
Outlays	636	9

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Salaries and expenses (05-53-3200-352-A):		
Budget Authority.....	5,524	77
Outlays.....	5,524	77

Foreign Assistance Programs

Expenses, PL 480, foreign assistance programs, Agriculture (05-57-2274-151-A):		
Budget Authority.....	984,193	13,779
Obligation limitation.....	1,535,248	21,493
Direct Loan		
Limitation.....	819,372	11,471
Outlays.....	984,193	13,779

Agricultural Stabilization & Conservation Service

Salaries and expenses (05-60-3300-351-A):		
Budget Authority.....	395	8
401(C) Authority—		
Off. Coll.	23,591	330
Outlays.....	23,986	336

Dairy indemnity program (05-60-3314-351-A):		
Budget Authority.....	5	0
Outlays.....	5	0

Agricultural conservation program (05-60-3315-302-A):		
Budget Authority.....	183,305	2,566
Outlays.....	84,137	1,178

Emergency conservation program (05-60-3316-453-A):		
Budget Authority.....	5,180	73
Outlays.....	2,331	33

Colorado river basin salinity control program (05-60-3318-304-A):		
Budget Authority.....	5,648	79
Outlays.....	1,864	26

Conservation reserve program (05-60-3319-302-A):		
Budget Authority.....	1,202,000	16,828
Outlays.....	918,674	12,861

Water Bank program (05-60-3320-302-A):		
Budget Authority.....	9,324	131
Outlays.....	1,212	17

Forestry incentives program (05-60-3336-302-A):		
Budget Authority.....	12,894	181
Outlays.....	3,739	52

Federal Crop Insurance Corporation

Administrative and operating expenses (05-63-2707-351-A):		
Budget Authority.....	209,401	2,932
Outlays.....	113,019	1,582

Commodity Credit Corporation

Temporary Emergency Food Assistance Program (05-66-3635-351-A):		
Budget Authority.....	171,800	2,405
Outlays.....	159,523	2,233

Commodity Credit Corporation Fund (05-66-4336-351-A):		
401(C) Authority.....	12,762,450	178,674
Direct Loan		
Limitation.....	10,000,000	140,000
Guaranteed Loan		
Limitation.....	5,698,000	79,772
Outlays.....	12,762,450	178,674

Rural Electrification Administration

Salaries and expenses (05-72-3100-271-A):		
Budget Authority.....	32,534	455
Outlays.....	29,445	412

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Reimbursement to the Rural elec. & tel. revolv. fund for int. (05-72-3101-271-A):		
Budget Authority.....	238,800	3,343
Outlays.....	238,800	3,343

Purchase of Rural Telephone Bank capital stock (05-72-3102-452-A):		
Budget Authority.....	29,744	418
Outlays.....	29,744	418

Rural communication development fund (05-72-4142-452-A):		
Budget Authority.....	1,499	21
Outlays.....	1,467	21

Rural electrification and telephone revolving fund (05-72-4230-271-A):		
Budget Authority.....	563	8

Direct Loan		
Limitation.....	3,485,193	48,793
Direct Loan Floor.....	1,869,739	26,176
Outlays.....	240,215	3,363

Rural telephone bank (05-72-4231-452-A):		
Direct Loan		
Limitation.....	218,119	3,054
Direct Loan Floor.....	183,419	2,568
Outlays.....	-20,485	-287

Farmers Home Administration

Salaries and expenses (05-75-2001-452-A):		
Budget Authority.....	432,349	6,053
Outlays.....	394,453	5,522

Rural housing for domestic farm labor (05-75-2004-604-A):		
Budget Authority.....	9,855	138
Outlays.....	99	1

Mutual and self-help housing (05-75-2006-604-A):		
Budget Authority.....	8,288	116
Outlays.....	663	9

Very low income housing repair grants (05-75-2064-604-A):		
Budget Authority.....	12,950	181
Outlays.....	12,303	172

Rural development grant program (05-75-2065-452-A):		
Budget Authority.....	6,734	94
Outlays.....	6,397	90

Rural water and waste disposal grants (05-75-2066-452-A):		
Budget Authority.....	121,103	1,695
Outlays.....	4,844	68

Rural community fire protection grants (05-75-2067-452-A):		
Budget Authority.....	3,202	45
Outlays.....	1,441	20

Rural housing preservation grants (05-75-2070-604-A):		
Budget Authority.....	19,829	278
Outlays.....	1,190	17

Compensation for construction defects (05-75-2071-371-A):		
Budget Authority.....	518	7
Outlays.....	518	7

Agricultural Credit Insurance Fund (05-75-4140-351-A):		
Budget Authority.....	3,108	44
401(C) Authority—		
Off. Coll.	112,901	1,581
Direct Loan		
Limitation.....	1,625,070	22,751
Guaranteed Loan		
Limitation.....	2,875,418	40,258
Outlays.....	1,129,009	15,806

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Rural Housing Insurance Fund (Appr.) (05-75-4141-371-A):		
Budget Authority.....	224,359	3,141
401(C) Authority—		
Off. Coll.	23,828	334
Obligation limitation.....	285,211	3,993
Direct Loan		
Limitation.....	1,911,410	26,760
Outlays.....	1,173,342	16,427

Rural Development Insurance Fund (Appr.) (05-75-4155-452-A):		
401(C) Authority—		
Off. Coll.	362	5
Direct Loan		
Limitation.....	444,009	6,216
Guaranteed Loan		
Limitation.....	99,145	1,388
Outlays.....	26,054	365

Self-help housing land development fund (05-75-4222-371-A):		
Direct Loan		
Limitation.....	518	7

Rural development loan fund (05-75-4233-452-A):		
Budget Authority.....	12,970	182
Direct Loan		
Limitation.....	14,504	203
Outlays.....	1,450	20

Soil Conservation Service

Conservation operations (05-78-1000-302-A):		
Budget Authority.....	483,721	6,772
401(C) Authority—		
Off. Coll.	9,053	127
Outlays.....	454,170	6,358

Resource conservation and development (05-78-1010-302-A):		
Budget Authority.....	26,095	365
401(C) Authority—		
Off. Coll.	4,600	64
Outlays.....	24,720	346

Watershed planning (05-78-1068-301-B):		
Budget Authority.....	8,995	126
401(C) Authority—		
Off. Coll.	213	3
Outlays.....	7,950	111

River basin surveys and investigations (05-78-1068-301-C):		
Budget Authority.....	12,530	175
401(C) Authority—		
Off. Coll.	168	2
Outlays.....	11,945	167

Watershed and flood prevention operations (05-78-1068-301-D):		
Budget Authority.....	179,027	2,506
401(C) Authority—		
Off. Coll.	11,849	166
Outlays.....	115,403	1,616

Great plains conservation program (05-78-2268-302-A):		
Budget Authority.....	21,247	297
401(C) Authority—		
Off. Coll.	41	1
Outlays.....	9,111	128

Miscellaneous contributed funds (Water resources) (05-78-8210-301-A):		
401(C) Authority.....	460	6
Outlays.....	302	4

Miscellaneous contributed funds (Conservation and land mgmt.) (05-78-8210-302-A):		
401(C) Authority.....	100	1
Outlays.....	90	1

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Animal and Plant Health Inspection Service		
Salaries and expenses (05-79-1600-352-A):		
Budget Authority	344,010	4,816
401(C) Authority—		
Off. Coll.	17,771	249
Outlays	314,712	4,406
Buildings and facilities (05-79-1601-352-A):		
Budget Authority	2,638	37
Outlays	728	10
Federal Grain Inspection Service		
Salaries and expenses (05-80-2400-352-A):		
Budget Authority	8,437	118
Outlays	7,467	105
Inspection and weighing services (05-80-4050-352-A):		
401(C) Authority—		
Off. Coll.	36,856	516
Outlays	36,856	516
Agricultural Marketing Service		
Marketing services (05-81-2500-352-A):		
Budget Authority	34,690	486
401(C) Authority—		
Off. Coll.	37,278	522
Outlays	54,865	768
Payments to States and possessions (05-81-2501-352-A):		
Budget Authority	976	14
Outlays	156	2
Perishable Agricultural Commodities Act fund (05-81-5070-352-A):		
401(C) Authority	5,500	77
Outlays	4,131	58
Funds for strengthening markets, income, and supply (section 3 (05-81-5209-605-A):		
401(C) Authority	538,946	7,545
Outlays	116,691	1,634
Milk market orders assessment fund (05-81-8412-351-A):		
401(C) Authority—		
Off. Coll.	38,709	542
Outlays	38,709	542
Miscellaneous trust funds (05-81-9972-352-A):		
401(C) Authority	85,979	1,204
Outlays	55,873	779
Office of Transportation		
Office of Transportation (05-82-2800-352-A):		
Budget Authority	2,477	35
Outlays	2,058	29
Food Safety and Inspection Service		
Salaries and expenses (05-83-3700-654-A):		
Budget Authority	421,533	5,901
401(C) Authority—		
Off. Coll.	47,800	669
Outlays	436,487	6,111
Exp. & refunds, insp. & grading (05-83-8137-352-A):		
401(C) Authority	1,150	16
Outlays	986	14
Food and Nutrition Service		
Special milk program ASI (G-R-H) (05-84-3502-605-I):		
Budget Authority—		
ASI	392	140
Outlays	1,125	400

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Cash and Commodities for selected groups (05-84-3503-605-A):		
Budget Authority	246,316	3,448
Outlays	212,480	2,975
Food stamp program (05-84-3505-605-A):		
Budget Authority	54,089	757
Outlays	20,955	293
Food program administration (05-84-3508-605-A):		
Budget Authority	92,791	1,299
Outlays	85,353	1,195
Supplemental feeding programs (05-84-3510-605-A):		
Budget Authority	3,000	42
Outlays	3,000	42
Child nutrition programs (05-84-3539-605-A):		
Budget Authority	4,135	58
Outlays	4,135	58
Human Nutrition Information Service		
Salaries and Expenses (05-86-3501-352-A):		
Budget Authority	9,159	128
Outlays	5,719	80
Packers and Stockyards Administration		
Packers and Stockyards Administration (05-90-2600-352-A):		
Budget Authority	9,946	139
Outlays	9,271	130
Agricultural Cooperative Service		
Salaries and expenses (05-92-3000-352-A):		
Budget Authority	4,838	68
Outlays	3,106	43
Forest Service		
Construction (05-96-1103-302-A):		
Budget Authority	234,099	3,277
401(C) Authority—		
Off. Coll.	2,835	40
Outlays	96,474	1,351
Forest research (05-96-1104-302-A):		
Budget Authority	143,384	2,007
401(C) Authority—		
Off. Coll.	1,262	18
Outlays	109,769	1,537
State and private forestry (05-96-1105-302-A):		
Budget Authority	89,679	1,258
401(C) Authority—		
Off. Coll.	4,358	61
Outlays	40,312	584
National forest system (05-96-1106-302-A):		
Budget Authority	1,335,811	18,701
Outlays	1,068,649	14,981
Land acquisition (05-96-5004-303-A):		
Budget Authority	66,532	931
Outlays	26,612	373
Range betterment fund (05-96-5207-302-A):		
Budget Authority	4,094	57
Outlays	2,988	42
Acquisition of lands for nat'l forests (05-96-5208-302-A):		
Budget Authority	1,001	14
Outlays	565	8
Acq. of lands to complete land exchanges (05-96-5216-302-A):		
Budget Authority	347	5
Outlays	288	4
Operations and maintenance of quarters (05-96-5219-302-A):		
401(C) Authority	5,852	82
Outlays	1,878	26

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Cooperative work trust fund (05-96-8028-302-A):		
401(C) Authority	315,117	4,412
Outlays	129,173	1,808
Highway Construction: Mount St. Helens National Monument (05-96-8029-401-A):		
Budget Authority	5,557	78
Outlays	3,134	44
Gifts, donations, bequests for forest and rangeland research (05-96-8034-302-A):		
Budget Authority	30	0
Outlays	30	0
Reforestation trust fund (05-96-8046-302-A):		
401(C) Authority	30,000	420
Outlays	30,000	420
Other appropriations (05-96-9911-302-A):		
Budget Authority	37,388	523
Outlays	27,318	382
Forest Service permanent appropriations (05-96-9921-806-A):		
401(C) Authority	382,916	5,361
Outlays	362,320	5,072
Forest Service permanent appropriations (05-96-9922-302-A):		
401(C) Authority	140,747	1,970
Outlays	49,002	686
Total, Department of Agriculture:		
Budget Authority	9,598,956	134,380
Budget Authority—		
ASI	392	140
401(C) Authority	14,272,117	199,809
401(C) Authority—		
Off. Coll.	378,253	5,297
Obligation limitation	1,820,459	25,488
Direct Loan		
Limitation	18,518,195	259,255
Direct Loan Floor	2,053,158	28,744
Guaranteed Loan		
Limitation	8,672,563	121,416
Outlays	23,623,911	331,116
Department of Commerce		
General Administration		
Salaries and expenses (06-05-0120-378-A):		
Budget Authority	41,987	588
Outlays	40,223	563
Grants and loans administration (06-05-0125-452-A):		
Budget Authority	25,716	360
Outlays	22,568	316
Economic development assistance programs (06-05-2050-452-A):		
Budget Authority	188,581	2,640
Guaranteed Loan		
Limitation	194,250	2,720
Outlays	18,858	264
Bureau of the Census		
Salaries and expenses (06-07-0401-376-A):		
Budget Authority	99,833	1,398
401(C) Authority—		
Off. Coll.	8,000	112
Outlays	96,852	1,356
Periodic censuses and programs (06-07-0450-376-A):		
Budget Authority	580,775	8,131
Outlays	445,454	6,236

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Economic and Statistical Analysis		
Salaries and expenses (06-08-1500-376-A):		
Budget Authority	34,202	479
401(C) Authority—		
Off. Coll.	395	6
Outlays	30,834	432
International Trade Administration		
Operations and administration (06-25-1250-376-A):		
Budget Authority	174,068	2,437
401(C) Authority—		
Off. Coll.	15,960	223
Outlays	138,585	1,940
Export Administration		
Operations and administration (06-30-0300-376-A):		
Budget Authority	41,704	584
Outlays	29,401	412
Minority Business Development Agency		
Minority business development (06-40-0201-376-A):		
Budget Authority	41,180	577
Outlays	12,909	181
United States Travel and Tourism Administration		
Salaries and expenses (06-44-0700-376-A):		
Budget Authority	14,322	200
401(C) Authority—		
Off. Coll.	1,450	20
Outlays	12,191	171
National Oceanic and Atmospheric Administration		
Operations, research, and facilities (06-48-1450-306-A):		
Budget Authority	1,334,243	18,679
401(C) Authority—		
Off. Coll.	11,434	160
Outlays	926,135	12,966
Coastal energy impact fund (06-48-4315-452-A):		
401(C) Authority—		
Off. Coll.	5,200	73
Outlays	5,200	73
Federal ship financing fund, fishing vessels (06-48-4417-376-A):		
401(C) Authority—		
Off. Coll.	7,300	102
Guaranteed Loan Limitation	480,000	6,720
Outlays	7,300	102
Fishermen's contingency fund (06-48-5120-376-A):		
Budget Authority	744	10
Outlays	708	10
Foreign fishing observer fund (06-48-5122-376-A):		
Budget Authority	1,991	28
Outlays	1,914	27
Fisheries Promotional Fund (06-48-5124-376-A):		
Budget Authority	3,108	44
Outlays	1,712	24
Promote and develop fishery products and research (06-48-5139-376-A):		
401(C) Authority	3,350	47
Outlays	1,843	26
Aviation weather services program (06-48-8105-306-A):		
Budget Authority	29,751	417
Outlays	29,751	417

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Patent and Trademark Office		
Salaries and expenses (06-51-1006-376-A):		
Budget Authority	113,222	1,585
401(C) Authority—		
Off. Coll.	180,082	2,520
Outlays	161,290	2,258
Technology Administration		
Information products and services (06-53-8546-376-A):		
401(C) Authority	50,000	700
Outlays	-35,114	492
National Institute of Standards and Technology		
Scientific and technical research and services (06-55-0500-376-A):		
Budget Authority	163,596	2,290
Outlays	127,605	1,788
Working capital fund (06-55-4650-376-A):		
Budget Authority	1,563	22
Outlays	782	11
National Telecommunications and Information Admin.		
Salaries and expenses (06-60-0550-376-A):		
Budget Authority	14,164	198
Outlays	11,331	159
Public telecommunications facilities, planning and construction (06-60-0551-503-A):		
Budget Authority	20,724	290
Outlays	2,404	34
Total, Department of Commerce:		
Budget Authority	2,925,474	40,957
401(C) Authority	53,350	747
401(C) Authority—		
Off. Coll.	229,771	3,216
Guaranteed Loan Limitation	674,250	9,440
Outlays	2,160,944	30,256
Department of Defense—Military		
Military Personnel		
Military personnel, Marine Corps (07-05-1105-051-A):		
Budget Authority	5,715,085	85,728
Outlays	5,489,910	82,349
Reserve personnel, Marine Corps (07-05-1108-051-A):		
Budget Authority	316,540	4,748
Outlays	291,217	4,368
Reserve personnel, Navy (07-05-1405-051-A):		
Budget Authority	1,596,123	23,942
Outlays	1,473,221	22,098
Military personnel, Navy (07-05-1453-051-A):		
Budget Authority	19,003,439	285,052
Outlays	18,235,700	273,536
Military personnel, Army (07-05-2010-051-A):		
Budget Authority	24,517,882	387,768
Outlays	23,240,500	348,608
National Guard personnel, Army (07-05-2060-051-A):		
Budget Authority	3,308,429	49,626
Outlays	2,994,790	44,922
Reserve personnel, Army (07-05-2070-051-A):		
Budget Authority	2,220,108	33,302
Outlays	2,031,620	30,474

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Military personnel, Air Force (07-05-3500-051-A):		
Budget Authority	20,100,130	301,502
Outlays	19,304,164	289,562
Reserve personnel, Air Force (07-05-3700-051-A):		
Budget Authority	657,553	9,863
Outlays	614,154	9,212
National Guard personnel, Air Force (07-05-3850-051-A):		
Budget Authority	1,031,188	15,468
Outlays	977,257	14,659
Operation and Maintenance		
Operation and maintenance, Defense agencies (07-10-0100-051-A):		
Budget Authority	7,911,928	118,679
Outlays	6,535,252	98,029
Court of Military Appeals, Defense (07-10-0104-051-A):		
Budget Authority	3,638	55
Outlays	3,129	47
Drug Interdiction Defense (07-10-0105-051-A):		
Budget Authority	217,560	3,263
Outlays	97,902	1,469
Goodwill Games (07-10-0106-051-A):		
Budget Authority	5,180	78
Outlays	2,296	34
Foreign currency fluctuations, Defense (07-10-0801-051-A):		
Unobligated Balances—		
Defense	414,152	6,212
Humanitarian Assistance (07-10-0819-051-A):		
Budget Authority	10,360	155
Outlays	7,594	114
Operation and maintenance, Marine Corps (07-10-1106-051-A):		
Budget Authority	1,883,771	28,257
Outlays	1,314,872	19,723
Operation and maintenance, Marine Corps Reserve (07-10-1107-051-A):		
Budget Authority	80,334	1,205
Outlays	55,752	836
National Board for the Promotion of Rifle Practice, Army (07-10-1705-051-A):		
Budget Authority	4,460	67
Outlays	3,010	45
Operation and maintenance, Navy (07-10-1804-051-A):		
Budget Authority	25,832,372	387,486
Outlays	18,495,979	277,440
Operation and maintenance, Navy Reserve (07-10-1806-051-A):		
Budget Authority	1,013,872	15,208
Outlays	665,100	9,976
Operation and maintenance, Army (07-10-2020-051-A):		
Budget Authority	23,153,258	347,299
Outlays	18,175,307	272,630
Operation and maintenance, Army National Guard (07-10-2065-051-A):		
Budget Authority	1,869,131	28,037
Outlays	1,397,175	20,958
Operation and maintenance, Army Reserve (07-10-2080-051-A):		
Budget Authority	825,122	12,377
Outlays	594,087	8,911
Operation and maintenance, Air Force (07-10-3400-051-A):		
Budget Authority	22,687,585	340,314
Outlays	17,401,378	261,021

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Operation and maintenance, Air Force Reserve (07-10-3740-051-A):		
Budget Authority.....	1,073,096	16,096
Outlays.....	859,550	12,893
Operation and maintenance, Air National Guard (07-10-3840-051-A):		
Budget Authority.....	2,045,955	30,689
Outlays.....	1,673,592	25,104
Procurement		
Procurement, Defense agencies (07-15-0300-051-A):		
Budget Authority.....	1,253,767	18,806
Unobligated		
Balances—		
Defense.....	349,815	5,247
Outlays.....	392,878	5,893
National Guard and Reserve Equipment (07-15-0350-051-A):		
Budget Authority.....	1,179,798	17,697
Unobligated		
Balances—		
Defense.....	442,388	6,636
Outlays.....	168,707	2,531
Defense Production Act purchases (07-15-0360-051-A):		
Budget Authority.....	34,706	521
Unobligated		
Balances—		
Defense.....	45,850	688
Chemical agents and munitions destruction, Defense (07-15-0390-051-A):		
Budget Authority.....	185,962	2,789
Unobligated		
Balances—		
Defense.....	31,788	477
Outlays.....	77,302	1,160
Procurement, Marine Corps (07-15-1109-051-A):		
Budget Authority.....	1,343,526	20,153
Unobligated		
Balances—		
Defense.....	266,802	4,002
Outlays.....	317,235	4,759
Aircraft procurement, Navy (07-15-1506-051-A):		
Budget Authority.....	9,738,094	146,071
Unobligated		
Balances—		
Defense.....	1,865,544	27,983
Outlays.....	1,479,464	22,192
Weapons procurement, Navy (07-15-1507-051-A):		
Budget Authority.....	6,364,117	95,462
Unobligated		
Balances—		
Defense.....	2,295,631	34,434
Outlays.....	909,273	13,639
Shipbuilding and conversion, Navy (07-15-1611-051-A):		
Budget Authority.....	9,922,238	148,834
Unobligated		
Balances—		
Defense.....	9,802,211	147,033
Outlays.....	1,130,211	16,953
Other procurement, Navy (07-15-1810-051-A):		
Budget Authority.....	5,020,224	75,303
Unobligated		
Balances—		
Defense.....	1,804,590	27,069
Outlays.....	853,102	12,797
Aircraft procurement, Army (07-15-2031-051-A):		
Budget Authority.....	2,986,568	44,799
Unobligated		
Balances—		
Defense.....	555,538	8,333

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Outlays.....	655,290	9,829
Missile procurement, Army (07-15-2032-051-A):		
Budget Authority.....	2,695,680	40,435
Unobligated		
Balances—		
Defense.....	779,755	11,696
Outlays.....	278,034	4,171
Procurement of weapons and tracked combat vehicles, Army (07-15-2033-051-A):		
Budget Authority.....	2,932,246	43,984
Unobligated		
Balances—		
Defense.....	1,303,644	19,555
Outlays.....	211,794	3,177
Procurement of ammunition, Army (07-15-2034-051-A):		
Budget Authority.....	2,085,670	31,285
Unobligated		
Balances—		
Defense.....	168,801	2,532
Outlays.....	721,430	10,821
Other procurement, Army (07-15-2035-051-A):		
Budget Authority.....	4,846,357	72,695
Unobligated		
Balances—		
Defense.....	1,602,125	24,032
Outlays.....	548,121	8,222
Aircraft procurement, Air Force (07-15-3010-051-A):		
Budget Authority.....	16,181,769	242,727
Unobligated		
Balances—		
Defense.....	6,053,661	90,805
Outlays.....	1,778,835	26,683
Missile procurement, Air Force (07-15-3020-051-A):		
Budget Authority.....	7,476,482	112,147
Unobligated		
Balances—		
Defense.....	2,758,717	41,381
Outlays.....	2,350,001	35,250
Other procurement, Air Force (07-15-3080-051-A):		
Budget Authority.....	8,483,824	127,257
Unobligated		
Balances—		
Defense.....	2,139,693	32,095
Outlays.....	5,832,310	87,485
Research, Development, Test, and Evaluation		
Research, development, test, and evaluation, Defense agencies (07-20-0400-051-A):		
Budget Authority.....	8,508,262	127,624
Unobligated		
Balances—		
Defense.....	629,063	9,436
Outlays.....	4,666,431	69,996
Developmental test and evaluation, Defense (07-20-0450-051-A):		
Budget Authority.....	155,296	2,329
Unobligated		
Balances—		
Defense.....	34,398	516
Outlays.....	40,785	612
Operational test and evaluation, Defense (07-20-0460-051-A):		
Budget Authority.....	73,798	1,107
Unobligated		
Balances—		
Defense.....	20,694	310
Outlays.....	11,339	170

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Research, development, test, and evaluation, Navy (07-20-1319-051-A):		
Budget Authority.....	9,685,026	145,275
Unobligated		
Balances—		
Defense.....	482,879	7,243
Outlays.....	5,643,187	84,648
Research, development, test, and evaluation, Army (07-20-2040-051-A):		
Budget Authority.....	5,324,680	79,970
Unobligated		
Balances—		
Defense.....	395,274	5,929
Outlays.....	3,083,056	46,246
Research, development, test, and evaluation, Air Force (07-20-3600-051-A):		
Budget Authority.....	15,320,436	229,807
Unobligated		
Balances—		
Defense.....	1,708,045	25,621
Outlays.....	9,067,666	136,015
Military Construction		
Military construction, Defense agencies (07-25-0500-051-A):		
Budget Authority.....	703,996	10,560
Unobligated		
Balances—		
Defense.....	356,803	5,352
Outlays.....	194,126	2,912
Foreign currency fluctuations, construction (07-25-0803-051-A):		
Unobligated		
Balances—		
Defense.....	195,814	2,937
North Atlantic Treaty Organization infrastructure (07-25-0804-051-A):		
Budget Authority.....	509,712	7,646
Unobligated		
Balances—		
Defense.....	133,905	2,009
Military construction, Navy (07-25-1205-051-A):		
Budget Authority.....	1,633,963	24,509
Unobligated		
Balances—		
Defense.....	374,393	5,616
Outlays.....	477,988	7,170
Military construction, Naval Reserve (07-25-1235-051-A):		
Budget Authority.....	63,092	946
Unobligated		
Balances—		
Defense.....	10,927	164
Outlays.....	11,103	167
Military construction, Army (07-25-2050-051-A):		
Budget Authority.....	1,186,678	17,800
Unobligated		
Balances—		
Defense.....	437,348	6,560
Outlays.....	519,688	7,795
Military construction, Army National Guard (07-25-2085-051-A):		
Budget Authority.....	237,408	3,561
Unobligated		
Balances—		
Defense.....	44,743	671
Outlays.....	31,037	466
Military construction, Army Reserve (07-25-2086-051-A):		
Budget Authority.....	89,071	1,336
Unobligated		
Balances—		
Defense.....	21,950	329
Outlays.....	15,021	225

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Military construction, Air Force (07-25-3300-051-A):		
Budget Authority	1,259,699	18,895
Unobligated		
Balances—		
Defense	649,510	9,743
Outlays	305,474	4,582
Military construction, Air Force Reserve (07-25-3730-051-A):		
Budget Authority	73,142	1,097
Unobligated		
Balances—		
Defense	23,702	356
Outlays	10,169	153
Military construction, Air National Guard (07-25-3830-051-A):		
Budget Authority	164,214	2,463
Unobligated		
Balances—		
Defense	53,309	800
Outlays	17,402	261

Family Housing

Family housing, Army (07-30-0702-051-A):		
Budget Authority	1,582,557	23,738
Unobligated		
Balances—		
Defense	120,034	1,801
Outlays	1,045,804	15,687
Family housing, Navy and Marine Corps (07-30-0703-051-A):		
Budget Authority	827,806	12,417
Unobligated		
Balances—		
Defense	173,606	2,804
Outlays	360,663	5,410
Family housing, Air Force (07-30-0704-051-A):		
Budget Authority	954,037	14,311
Unobligated		
Balances—		
Defense	105,938	1,589
Outlays	567,253	8,509
Family housing, Defense agencies (07-30-0706-051-A):		
Budget Authority	21,445	322
Unobligated		
Balances—		
Defense	176	3
Outlays	13,568	204

Revolving and Management Funds

National Defense Stockpile transaction fund (07-40-4555-051-A):		
Budget Authority	34,706	521
Unobligated		
Balances—		
Defense	460,973	6,915
Navy stock fund (07-40-4911-051-A):		
Budget Authority	191,349	2,870
Outlays	83,145	947
Air Force stock fund (07-40-4921-051-A):		
Budget Authority	193,628	2,904
Outlays	63,897	958
Defense stock fund (07-40-4961-051-A):		
Budget Authority	25,900	388
Outlays	8,547	128
Army stock fund (07-40-4991-051-A):		
Budget Authority	302,408	4,536
Outlays	99,795	1,497

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Allowances		
GRH aggregate spendout rate requirement (07-45-9920-051-A):		
Outlays	-4,045,000	-60,675
Total, Department of Defense—Military:		
Budget Authority	298,937,436	4,484,059
Unobligated		
Balances—		
Defense	39,114,189	586,714
Outlays	181,910,639	2,728,663

Department of Defense—Civil

Cemeterial Expenses, Army

Salaries and expenses (08-05-1805-705-A):		
Budget Authority	13,688	192
Outlays	10,206	143

Corps of Engineers—Civil

Flood control, Mississippi River and tributaries (08-10-3112-301-A):		
Budget Authority	336,000	4,704
401(C) Authority—		
Off. Coll.	195	3
Outlays	245,475	3,437
General investigations (08-10-3121-301-A):		
Budget Authority	131,086	1,835
Outlays	89,138	1,248
Construction, general (08-10-3122-301-A):		
Budget Authority	980,200	13,723
401(C) Authority—		
Off. Coll.	250	4
Outlays	392,330	5,493
Operation and maintenance, general (08-10-3123-301-A):		
Budget Authority	1,193,504	16,709
401(C) Authority—		
Off. Coll.	3,500	49
Outlays	970,238	13,583
Operation and maintenance, general (08-10-3123-303-A):		
Budget Authority	20,000	280
Outlays	20,000	280
General expenses (08-10-3124-301-A):		
Budget Authority	128,800	1,803
Outlays	103,040	1,443
Regulatory Program (08-10-3126-301-A):		
Budget Authority	69,427	972
Outlays	65,955	923
Revolving fund (08-10-4902-301-A):		
Budget Authority	10,000	140
Outlays	8,000	112
Inland waterways trust fund (08-10-8861-301-A):		
Budget Authority	119,000	1,668
Outlays	119,000	1,668
Rivers and harbors contributed funds (08-10-8862-301-A):		
401(C) Authority	215,550	3,018
Outlays	100,651	1,409
Harbor maintenance trust fund (08-10-8863-301-A):		
Budget Authority	164,000	2,296
Outlays	164,000	2,296
Permanent appropriations (Water resources) (08-10-9921-301-A):		
401(C) Authority	7,000	98
Outlays	48	1

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Permanent appropriations (08-10-9921-806-A):		
401(C) Authority	5,000	70
Soldiers' and Airmen's Home		
Operation and maintenance (08-20-8931-705-A):		
Budget Authority	38,730	542
401(C) Authority—		
Off. Coll.	144	2
Outlays	33,874	474
Capital outlay (08-20-8932-705-A):		
Budget Authority	15,354	215
Outlays	5,374	75
Forest & Wildlife Conservation, Mil. Reservations		
Wildlife conservation (08-30-5095-303-A):		
401(C) Authority	2,100	29
Outlays	1,400	20
Total, Department of Defense—Civil:		
Budget Authority	3,219,789	45,077
401(C) Authority	229,650	3,215
401(C) Authority—		
Off. Coll.	4,089	58
Outlays	2,328,729	32,603
Department of Education		
Office of Elementary and Secondary Education		
Indian education (18-10-0101-501-A):		
Budget Authority	74,138	1,038
Outlays	10,739	150
Impact aid (18-10-0102-501-A):		
Budget Authority	759,489	10,633
Outlays	604,358	8,461
Compensatory education for the disadvantaged (18-10-0900-501-A):		
Budget Authority	4,743,986	66,416
Outlays	569,278	7,970
School improvement programs (18-10-1000-501-A):		
Budget Authority	1,260,910	17,653
Outlays	151,310	2,118
Off. of Bilingual Ed. & Minority Languages Affairs		
Bilingual, immigrant, and refugee education (18-15-1300-501-A):		
Budget Authority	204,500	2,863
Outlays	24,540	344
Office of Special Education & Rehabilitative Svcs.		
Education for the handicapped (18-20-0300-501-A):		
Budget Authority	2,037,229	28,521
Outlays	251,471	3,521
Vocational rehabilitation (18-20-0301-506-A):		
Budget Authority	225,403	3,156
Outlays	173,560	2,430
Vocational rehab split for G-R-H: ASI (G-R-H) (18-20-0301-506-A):		
Budget Authority—		
ASI	60,400	21,502
Outlays	46,500	18,554
Special institutions for the handicapped (18-20-0604-501-C):		
Budget Authority	21,053	295
Outlays	19,790	277

G-R-H Sequester Amounts—Continued
(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Special institutions for the handicapped (APHB) (18-20-0604-501-D):		
Budget Authority.....	5,527	77
Outlays.....	5,527	77
Special institutions for the handicapped (NTID) (18-20-0604-502-B):		
Budget Authority.....	34,526	483
Outlays.....	34,526	483
Special institutions for the handicapped (Gallaudet) (18-20-0604-502-C):		
Budget Authority.....	47,321	662
Outlays.....	44,543	624
Office of Vocational and Adult Education		
Vocational and adult education (18-30-0400-501-A):		
Budget Authority.....	1,112,110	15,570
401(C) Authority.....	7,148	100
Outlays.....	134,311	1,880

Office of Postsecondary Education

Student financial assistance (18-40-0200-502-A):		
Budget Authority.....	6,023,636	84,331
Outlays.....	1,448,201	20,275
Higher education (18-40-0201-502-A):		
Budget Authority.....	586,096	8,205
Outlays.....	86,922	1,217
Guaranteed student loans (18-40-0230-502-A):		
Budget Authority—		
Spec. Rules.....	42,170	12,482
Outlays.....	33,736	9,986
College housing and academic facilities loans (18-40-0242-502-A):		
Budget Authority.....	35,843	502
Direct Loan		
Limitation.....	30,707	430
Howard University (18-40-0603-502-A):		
Budget Authority.....	185,416	2,596
Outlays.....	176,981	2,478
College housing loans (18-40-4250-502-A):		
401(C) Authority—		
Off. Coll.....	850	9
Outlays.....	650	9

Office of Educational Research and Improvement

Libraries (18-50-0104-503-A):		
Budget Authority.....	142,139	1,990
Outlays.....	50,149	702
Education research and statistics (18-50-1100-503-A):		
Budget Authority.....	81,015	1,134
Outlays.....	34,836	488

Departmental Management

Office for Civil Rights (18-80-0700-751-A):		
Budget Authority.....	43,301	606
Outlays.....	35,919	503
Salaries and expenses (Elementary, secondary and vocational ed.) (18-80-0800-501-A):		
Budget Authority.....	20,689	290
Outlays.....	17,173	240
Salaries and expenses (Higher education) (18-80-0800-502-A):		
Budget Authority.....	89,997	1,260
Outlays.....	74,697	1,046
Salaries and expenses (Research and general education aids) (18-80-0800-503-A):		
Budget Authority.....	127,152	1,780
Outlays.....	105,537	1,478

G-R-H Sequester Amounts—Continued
(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Salaries and expenses (Social services) (18-80-0800-506-A):		
Budget Authority.....	22,383	313
Outlays.....	18,578	260
Office of the Inspector General (18-80-1400-751-A):		
Budget Authority.....	19,359	271
Outlays.....	16,010	224
Total, Department of Education:		
Budget Authority.....	17,903,218	250,645
Budget Authority—		
ASI.....	60,400	21,502
Budget Authority—		
Spec. Rules.....	42,170	12,482
401(C) Authority.....	7,148	100
401(C) Authority—		
Off. Coll.....	650	9
Direct Loan		
Limitation.....	30,707	430
Outlays.....	4,169,840	83,795

Department of Energy
Atomic Energy Defense Activities

Atomic energy defense activities (19-10-0220-053-A):		
Budget Authority.....	9,656,034	144,841
Unobligated		
Balances—		
Defense.....	85,000	1,275
Outlays.....	6,039,441	90,592

Energy Programs

Geothermal resources development fund (19-20-0206-271-A):		
Budget Authority.....	75	1
Outlays.....	75	1
Federal Energy Regulatory Commission (19-20-0212-276-A):		
Budget Authority.....	116,550	1,632
Outlays.....	109,207	1,529
Fossil energy research and development (19-20-0213-271-A):		
Budget Authority.....	394,472	5,523
Outlays.....	157,789	2,209
Energy conservation (Energy conservation) (19-20-0215-272-A):		
Budget Authority.....	326,721	4,574
Outlays.....	3,678	51
Energy information administration (19-20-0216-276-A):		
Budget Authority.....	65,227	913
Outlays.....	42,398	594
Economic regulation (19-20-0217-276-A):		
Budget Authority.....	22,206	311
Outlays.....	13,990	196
Strategic petroleum reserve (19-20-0218-274-A):		
Budget Authority.....	179,700	2,516
Outlays.....	98,834	1,384
Naval petroleum and shale reserves (19-20-0219-271-A):		
Budget Authority.....	191,757	2,685
Outlays.....	102,015	1,428
General science and research activities (19-20-0222-251-A):		
Budget Authority.....	1,114,431	15,602
Outlays.....	758,928	10,625
Energy supply, R&D activities (19-20-0224-271-A):		
Budget Authority.....	2,215,466	31,017
Outlays.....	1,107,733	15,508

G-R-H Sequester Amounts—Continued
(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Uranium supply and enrichment activities (19-20-0226-271-A):		
401(C) Authority—		
Off. Coll.....	1,325,900	18,563
Outlays.....	1,325,900	18,563
SPR petroleum (19-20-0233-274-A):		
Budget Authority.....	159,157	2,228
401(C) Authority.....	91,555	1,282
Outlays.....	203,826	2,854
Emergency preparedness (19-20-0234-274-A):		
Budget Authority.....	6,394	90
Outlays.....	5,115	72
Clean Coal Technology (19-20-0235-271-A):		
401(C) Authority.....	710,000	9,940
Outlays.....	25,650	359
Isotope production and distribution fund (19-20-4180-271-A):		
Budget Authority.....	16,243	227
401(C) Authority—		
Off. Coll.....	16,452	230
Outlays.....	16,452	230
Payments to states under Federal Power Act (19-20-5105-806-A):		
401(C) Authority.....	2,446	34
Nuclear waste disposal fund (19-20-5227-271-A):		
Budget Authority.....	346,000	4,844
Outlays.....	173,000	2,422
Power Marketing Administration		
Operation and maintenance, Southeastern Power Administration (19-50-0302-271-A):		
Budget Authority.....	932	13
Outlays.....	848	12
Operation and maintenance, Southwestern Power Administration (19-50-0303-271-A):		
Budget Authority.....	8,196	115
Outlays.....	4,713	66
Operation and maintenance, Alaska Power Administration (19-50-0304-271-A):		
Budget Authority.....	763	11
Outlays.....	366	5
Bonneville Power Administration fund (19-50-4045-271-A):		
401(C) Authority—		
Off. Coll.....	45,800	641
Outlays.....	45,800	641
Colorado river basins power marketing fund, WAPA (19-50-4452-271-A):		
401(C) Authority—		
Off. Coll.....	7,668	107
Outlays.....	7,668	107
Construction, rehabilitation, operation and maintenance, WAPA (19-50-5068-271-A):		
Budget Authority.....	41,376	579
Outlays.....	14,234	199
Departmental Administration		
Departmental administration (Energy information, policy, & reg.) (19-60-0228-276-A):		
Budget Authority.....	205,056	2,871
401(C) Authority—		
Off. Coll.....	150,000	2,100
Outlays.....	273,033	3,822
Office of the Inspector General (19-60-0236-276-A):		
Budget Authority.....	22,959	321
Outlays.....	22,959	321
Total, Department of Energy:		
Budget Authority.....	15,089,715	220,914
401(C) Authority.....	804,001	11,256
401(C) Authority—		
Off. Coll.....	1,545,820	21,641

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Unobligated Balances—		
Defense	85,000	1,275
Outlays	10,553,652	153,790
Department of Health and Human Services		
Food and Drug Administration		
Program expenses (09-10-0600-554-A):		
Budget Authority	533,071	7,463
Outlays	426,226	5,967
Buildings and facilities (09-10-0603-554-A):		
Budget Authority	24,812	347
Outlays	2,977	42
Revolving fund for certification and other services (09-10-4309-554-A):		
401(C) Authority—		
Off. Coll.	3,216	45
Outlays	3,216	45
Health Resources and Services		
Health resources and services (health care services) (09-15-0350-551-A):		
Budget Authority	978,575	13,700
401(C) Authority—		
Off. Coll.	365	5
Direct Loan Limitation	494	7
Outlays	589,849	8,258
Health resources and services 2% split (G-R-H) (09-15-0350-551-G):		
Budget Authority—		
Spec. Rules	9,966	6,976
Outlays	6,009	4,206
Health resources and services (education and training) (09-15-0350-553-A):		
Budget Authority	184,730	2,586
Outlays	111,374	1,559
Indian Health		
Tribal Health Administration (09-17-0390-551-A):		
Budget Authority	149,994	2,100
Outlays	125,923	1,763
Tribal and Federal Health Services 2% split (G-R-H) (09-17-0390-551-G):		
Budget Authority—		
Spec. Rules	18,176	12,723
Outlays	14,819	10,373
Indian health facilities 2% split (G-R-H) (09-17-0391-551-G):		
Budget Authority—		
Spec. Rules	1,233	863
Outlays	210	147
Centers for Disease Control		
Disease control (Health care services) (09-20-0943-551-A):		
Budget Authority	892,168	12,490
Outlays	508,535	7,119
Disease control (Health research) (09-20-0943-552-A):		
Budget Authority	123,346	1,727
Outlays	70,307	984
National Institutes of Health		
National Library of Medicine (Health research) (09-25-0807-552-A):		
Budget Authority	26,237	367
Outlays	16,253	228

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
National Library of Medicine (Education and training) (09-25-0807-553-A):		
Budget Authority	50,257	704
Outlays	31,132	436
John E. Fogarty International Center (09-25-0819-552-A):		
Budget Authority	16,391	229
Outlays	7,533	105
Buildings and facilities (09-25-0838-552-A):		
Budget Authority	39,878	558
Outlays	7,976	112
National Institute on Aging (Health research) (09-25-0843-552-A):		
Budget Authority	221,925	3,107
Outlays	67,627	947
National Institute on Aging (Education and training) (09-25-0843-553-A):		
Budget Authority	8,817	123
Outlays	2,671	37
Nat. Inst. Child Health and Human Development (Health research) (09-25-0844-552-A):		
Budget Authority	423,708	5,932
Outlays	130,306	1,824
Nat. Inst. Child Health and Human Development (Ed. & training) (09-25-0844-553-A):		
Budget Authority	17,197	241
Outlays	1,719	24
Office of the Director (Health research) (09-25-0846-552-A):		
Budget Authority	67,877	950
Outlays	41,360	579
Office of the Director (Education and training) (09-25-0846-553-A):		
Budget Authority	7,050	99
Outlays	4,295	60
Research resources (Health research) (09-25-0848-552-A):		
Budget Authority	368,820	5,163
Outlays	204,685	2,866
Research resources (Education and training) (09-25-0848-553-A):		
Budget Authority	2,362	33
Outlays	141	2
National Cancer Institute (Health research) (09-25-0849-552-A):		
Budget Authority	1,596,191	22,347
Outlays	652,511	9,135
National Cancer Institute (Education and training) (09-25-0849-553-A):		
Budget Authority	34,419	482
Outlays	1,199	17
National Institute of General Medical Sciences (Health research) (09-25-0851-552-A):		
Budget Authority	630,153	8,822
Outlays	252,061	3,529
National Institute of General Medical Sciences (Ed. & training) (09-25-0851-553-A):		
Budget Authority	76,717	1,074
Outlays	30,686	430
National Institute of Environmental Health Sciences (Research) (09-25-0862-552-A):		
Budget Authority	221,892	3,106
Outlays	110,877	1,552
National Institute of Environmental Health Sciences (Ed. & train.) (09-25-0862-553-A):		
Budget Authority	9,713	136
Outlays	4,856	68
National Heart, Lung and Blood Institute (Health research) (09-25-0872-552-A):		
Budget Authority	1,039,894	14,559
Outlays	397,118	5,560

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
National Heart, Lung and Blood Institute (Education & training) (09-25-0872-553-A):		
Budget Authority	43,621	611
Outlays	1,740	24
National Institute of Dental Research (Health research) (09-25-0873-552-A):		
Budget Authority	129,587	1,814
Outlays	66,052	925
National Institute of Dental Research (Education and training) (09-25-0873-553-A):		
Budget Authority	5,922	83
Outlays	2,959	41
National Inst. of Diabetes, and Digestive and Kidney Diseases (09-25-0884-552-A):		
Budget Authority	557,742	7,808
Outlays	201,807	2,825
National Inst. of Diabetes, and Digestive and Kidney Diseases (09-25-0884-553-A):		
Budget Authority	22,099	309
Outlays	6,695	94
National Institute of Allergy & Infectious Diseases (Research) (09-25-0885-552-A):		
Budget Authority	754,055	10,557
Outlays	217,765	3,049
National Institute of Allergy & Infectious Diseases (Ed. & train.) (09-25-0885-553-A):		
Budget Authority	15,106	211
Outlays	2,264	32
National Institute of Neurological Disorders and Stroke (09-25-0886-552-A):		
Budget Authority	484,570	6,784
Outlays	185,440	2,596
National Institute of Neurological Disorders and Stroke (09-25-0886-553-A):		
Budget Authority	12,802	179
Outlays	3,660	51
National Eye Institute (Health research) (09-25-0887-552-A):		
Budget Authority	233,517	3,269
Outlays	78,437	1,098
National Eye Institute (Education and training) (09-25-0887-553-A):		
Budget Authority	6,234	87
Outlays	598	8
National Ins. of Arthritis and Musculoskeletal and Skin Diseases (09-25-0888-552-A):		
Budget Authority	159,727	2,236
Outlays	58,285	816
National Ins. of Arthritis and Musculoskeletal and Skin Diseases (09-25-0888-553-A):		
Budget Authority	6,007	84
Outlays	2,132	30
National Center for Nursing Research (09-25-0889-552-A):		
Budget Authority	26,233	367
Outlays	8,390	117
National Center for Nursing Research (09-25-0889-553-A):		
Budget Authority	3,954	55
Outlays	1,265	18
NID and Other Communicative Disorders (09-25-0890-552-A):		
Budget Authority	87,200	1,221
Outlays	33,357	467
NID and Other Communicative Disorders (09-25-0890-553-A):		
Budget Authority	2,500	35
Outlays	733	10

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Alcohol, Drug Abuse, & Mental Health Administration		
Federal subsidy for St. Elizabeths Hospital (09-30-1300-551-A):		
Budget Authority.....	24,566	344
Outlays.....	24,566	344
Alcohol, drug abuse, and mental health (Health care services) (09-30-1361-551-A):		
Budget Authority.....	1,150,798	16,111
Outlays.....	739,963	10,359
Alcohol, drug abuse, and mental health (Health research) (09-30-1361-552-A):		
Budget Authority.....	713,040	9,983
Outlays.....	626,738	8,774
Alcohol, drug abuse, and mental health (Education and training) (09-30-1361-553-A):		
Budget Authority.....	46,469	651
Outlays.....	38,711	514
Office of Assistant Secretary for Health		
Public health service management (Health care services) (09-37-1101-551-A):		
Budget Authority.....	45,230	633
Outlays.....	30,274	424
Public health service management (Health research) (09-37-1101-552-A):		
Budget Authority.....	26,579	372
Outlays.....	20,282	284
Health Care Financing Administration		
Program management (Health care services) (09-38-0511-551-A):		
Budget Authority.....	86,841	1,213
Outlays.....	76,638	1,073
Program management (Health research) (09-38-0511-552-A):		
Budget Authority.....	10,236	143
Outlays.....	921	13
Health maintenance organization loan and loan guarantee fund (09-38-4420-551-A):		
Obligation limitation.....	5,000	70
Outlays.....	-5,000	-70
Federal supplementary medical insurance trust fund (09-38-8004-571-A):		
401(C) Authority—		
Spec. Rules.....	53,440	748
Obligation limitation.....	1,253,303	17,546
Outlays.....	1,131,333	15,839
FSMI 2% split (G-R-H) (09-38-8004-571-S):		
401(C) Authority—		
Spec. Rules.....	372,000	260,400
Outlays.....	372,000	260,400
Federal hospital insurance trust fund (09-38-8005-571-A):		
401(C) Authority.....	201,038	2,815
Obligation limitation.....	1,294,637	18,125
Outlays.....	1,075,991	15,064
FHI 2% split (G-R-H) (09-38-8005-571-S):		
401(C) Authority—		
Spec. Rules.....	1,140,000	798,000
Outlays.....	1,140,000	798,000
Federal Catastrophic drug insurance trust fund (09-38-8183-571-S):		
401(C) Authority—		
Spec. Rules.....	2,560	1,792
Outlays.....	2,560	1,792
Federal supplementary medical insurance trust fund, catastro. (09-38-8184-571-A):		
Obligation limitation.....	129,208	1,809
Outlays.....	156,647	2,193

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Federal supplementary medical insurance trust fund, catastro. (09-38-8184-571-S):		
401(C) Authority—		
Spec. Rules.....	12,000	8,400
Outlays.....	12,000	8,400
Social Security Administration		
Supplemental security income program (09-60-0406-609-A):		
Budget Authority.....	821,257	11,458
Outlays.....	821,257	11,458
Special benefits for disabled coal miners (09-60-0409-601-A):		
Budget Authority.....	6,943	97
Outlays.....	6,943	97
Family Support Administration		
Program administration (09-70-1500-609-A):		
Budget Authority.....	84,634	1,185
401(C) Authority—		
Off. Coll.	450	6
Outlays.....	63,942	895
Family support payment to States (CSE) (09-70-1501-609-B):		
Budget Authority.....	1,309,000	18,326
Outlays.....	1,309,000	18,326
Low income home energy assistance (09-70-1502-609-A):		
Budget Authority.....	1,432,995	20,062
Outlays.....	1,304,025	18,256
Refugee and Entrant Assistance (09-70-1503-609-A):		
Budget Authority.....	396,121	5,546
Outlays.....	257,479	3,805
Community services block grant (09-70-1504-506-A):		
Budget Authority.....	394,300	5,520
Outlays.....	272,067	3,809
Work incentives (09-70-1505-504-A):		
Budget Authority.....	94,732	1,326
Outlays.....	89,048	1,247
Interim assistance to States for legalization (09-70-1508-506-A):		
401(C) Authority.....	870,000	12,180
Outlays.....	217,500	3,045
Payments to states for AFDC work programs (09-70-1509-609-A):		
Budget Authority.....	257,721	3,608
Outlays.....	257,721	3,608
Human Development Services		
Social services block grant (09-80-1634-508-A):		
Budget Authority.....	2,700,000	37,800
Outlays.....	2,565,000	35,910
Human development services (09-80-1636-506-A):		
Budget Authority.....	2,667,229	37,341
Outlays.....	1,463,899	20,495
Payments to State for foster care and adoption assistance (09-80-1645-506-A):		
Budget Authority—		
Spec. Rules.....	5,132	5,132
Outlays.....	3,683	3,683
Departmental Management		
General Departmental administration (09-90-0120-609-A):		
Budget Authority.....	70,202	983
Outlays.....	49,141	688
Policy research (09-90-0122-609-A):		
Budget Authority.....	8,138	114
Outlays.....	3,255	46

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Office of the Inspector General (09-90-0128-609-A):		
Budget Authority.....	51,247	717
Outlays.....	38,435	538
Office for Civil Rights (09-90-0135-751-A):		
Budget Authority.....	16,680	234
Outlays.....	15,179	212
Office of Consumer Affairs (09-90-0137-506-A):		
Budget Authority.....	1,778	25
Outlays.....	1,422	20
Total, Department of Health and Human Services:		
Budget Authority.....	22,713,606	317,987
Budget Authority—		
Spec. Rules.....	34,507	25,694
401(C) Authority.....	1,124,478	15,743
401(C) Authority—		
Off. Coll.	4,031	56
401(C) Authority—		
Spec. Rules.....	1,526,560	1,068,592
Obligation limitation.....	2,682,148	37,550
Direct Loan		
Limitation.....	494	7
Outlays.....	18,876,650	1,329,556
Health and Human Services Social Security		
Social Security		
Federal old-age and survivors insurance trust fund (16-05-8006-651-A):		
Obligation limitation.....	1,358,206	19,015
Outlays.....	1,221,711	17,104
Federal disability insurance trust fund (16-05-8007-651-A):		
Obligation limitation.....	506,221	7,087
Outlays.....	415,664	5,819
Total, Health and Human Services Social Security:		
Obligation limitation.....	1,864,427	26,102
Outlays.....	1,637,375	22,923
Department of Housing and Urban Development		
Housing Programs		
Housing counseling assistance (25-02-0156-506-A):		
Budget Authority.....	3,626	51
Subsidized housing programs (Community development) (25-02-0164-451-A):		
Budget Authority.....	5,180	73
Subsidized housing programs (Housing assistance) (25-02-0164-604-A):		
Budget Authority.....	7,342,406	102,794
Outlays.....	88,109	1,234
Congregate services program (25-02-0178-604-A):		
Budget Authority.....	5,594	78
Transitional and supportive housing demonstration program (25-02-0188-604-A):		
Budget Authority.....	82,880	1,160
Rental housing assistance fund (25-02-4041-604-A):		
401(C) Authority—		
Off. Coll.	50,000	700
Outlays.....	50,000	700

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Nonprofit sponsor assistance (25-02-4042-604-A):		
Direct Loan		
Limitation	995	14
Federal Housing Administration fund (25-02-4070-371-A):		
Obligation limitation	396,582	5,552
Direct Loan		
Limitation	107,071	1,499
Guaranteed Loan		
Limitation	99,456,000	1,392,384
Outlays	396,582	5,552
Housing for the elderly or handicapped fund (25-02-4115-371-A):		
Direct Loan		
Limitation	497,280	6,962
Interstate land sales (25-02-5270-376-A):		
401(C) Authority	600	8
Outlays	600	8
Manufactured home inspection and monitoring (25-02-5271-376-A):		
401(C) Authority	7,320	102
Outlays	6,337	89
Public and Indian Housing Programs		
Payments for operation of low income housing projects (25-03-0163-604-A):		
Budget Authority	1,766,906	24,737
Outlays	812,777	11,379
Government National Mortgage Association		
Guarantees of mortgage-backed securities (25-04-4238-371-A):		
401(C) Authority—		
Off. Coll.	5,588	78
Guaranteed Loan		
Limitation	144,000,000	2,016,000
Outlays	5,588	78
Community Planning and Development		
Community development grants (25-06-0162-451-A):		
Budget Authority	2,745,400	38,436
Guaranteed Loan		
Limitation	149,000	2,086
Outlays	109,816	1,537
Urban homesteading (25-06-0171-451-A):		
Budget Authority	13,675	191
Outlays	13,675	191
Emergency shelter grants program (25-06-0181-604-A):		
Budget Authority	48,174	674
Outlays	9,635	135
Rental rehabilitation grants (25-06-0182-451-A):		
Budget Authority	155,400	2,176
Rehabilitation loan fund (25-06-4036-451-A):		
401(C) Authority—		
Off. Coll.	12,700	178
Direct Loan		
Limitation	85,212	1,193
Outlays	12,700	178
Policy Development and Research		
Research and technology (25-28-0108-451-A):		
Budget Authority	17,819	249
Outlays	5,340	75
Fair Housing and Equal Opportunity		
Fair housing activities (25-29-0144-751-A):		
Budget Authority	10,360	145
Outlays	1,865	26

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Management and Administration		
Salaries & expenses, incl. transfer of funds (Community dev.) (25-35-0143-451-A):		
Budget Authority	174,166	2,438
Outlays	133,936	1,875
Salaries & expenses, incl. transfer of funds (Public assist.) (25-35-0143-604-A):		
Budget Authority	157,757	2,209
Outlays	121,353	1,699
Salaries & expenses, incl. transfer of funds (Federal law acts.) (25-35-0143-751-A):		
Budget Authority	15,455	216
Outlays	11,888	166
Total, Department of Housing and Urban Development:		
Budget Authority	12,544,798	175,627
401(C) Authority	7,920	110
401(C) Authority—		
Off. Coll.	68,268	958
Obligation limitation	396,582	5,552
Direct Loan		
Limitation	690,558	9,668
Guaranteed Loan		
Limitation	243,605,000	3,410,470
Outlays	1,780,201	24,922
Department of the Interior		
Bureau of Land Management		
Management of lands and resources (10-04-1109-302-A):		
Budget Authority	525,652	7,359
Outlays	418,784	5,863
Construction and access (10-04-1110-302-A):		
Budget Authority	5,631	79
Outlays	1,406	20
Payments in lieu of taxes (10-04-1114-806-A):		
Budget Authority	108,780	1,523
Outlays	108,618	1,521
Oregon and California grant lands (10-04-1116-302-A):		
Budget Authority	62,348	873
Outlays	46,136	646
Special acquisition of lands and minerals (10-04-1117-302-A):		
401(C) Authority	1,300	18
Service charges, deposits, and forfeitures (10-04-5017-302-A):		
Budget Authority	6,227	87
Outlays	5,474	77
Land acquisition (10-04-5033-302-A):		
Budget Authority	12,734	178
Outlays	6,315	88
Operation and maintenance of quarters (10-04-5048-302-A):		
401(C) Authority	250	4
Outlays	209	3
Range improvements (10-04-5132-302-A):		
Budget Authority	8,393	118
Outlays	5,305	74
Miscellaneous permanent appropriations (10-04-9921-302-A):		
401(C) Authority	7,000	98
Outlays	5,948	83
Miscellaneous permanent appropriations (10-04-9921-806-A):		
401(C) Authority	122,954	1,721
Outlays	122,954	1,721
Miscellaneous trust funds (10-04-9971-302-A):		
Budget Authority	100	1
401(C) Authority	600	8
Outlays	356	5

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Minerals Management Service		
Leasing and royalty management (10-06-1917-302-A):		
Budget Authority	177,324	2,483
Outlays	115,130	1,612
Payments to states from receipts under Mineral Leasing Act (10-06-5003-806-A):		
401(C) Authority	464,195	6,499
Outlays	464,195	6,499
Office of Surface Mining Reclamation & Enforcement		
Regulation and technology (10-08-1801-302-A):		
Budget Authority	106,450	1,490
Outlays	61,993	868
Abandoned mine reclamation fund (10-08-5015-302-A):		
Budget Authority	200,189	2,803
Outlays	55,397	776
Bureau of Reclamation		
Loan program (10-10-0667-301-A):		
Budget Authority	34,122	478
Direct Loan		
Limitation	31,922	447
Outlays	20,985	294
Construction program (10-10-0684-301-A):		
Budget Authority	662,120	9,270
401(C) Authority—		
Off. Coll.	4,000	56
Outlays	560,181	7,843
Lower Colorado River basin development fund (10-10-4079-301-A):		
401(C) Authority—		
Off. Coll.	95,456	1,336
Outlays	95,456	1,336
Upper Colorado River basin fund (10-10-4081-301-A):		
401(C) Authority—		
Off. Coll.	32,375	453
Outlays	32,375	453
Working capital fund (10-10-4524-301-A):		
Budget Authority	8,500	119
Outlays	6,800	95
Emergency fund (10-10-5043-301-A):		
Budget Authority	1,000	14
Outlays	605	8
General investigations (10-10-5060-301-A):		
Budget Authority	11,530	161
401(C) Authority—		
Off. Coll.	75	1
Outlays	7,500	105
Operation and maintenance (10-10-5064-301-A):		
Budget Authority	212,287	2,972
401(C) Authority—		
Off. Coll.	10,136	142
Outlays	175,083	2,451
General administrative expenses (10-10-5065-301-A):		
Budget Authority	47,983	672
Outlays	43,185	605
Colorado River Dam Fund, Boulder Canyon Project (10-10-5656-301-A):		
401(C) Authority	48,650	681
Outlays	27,877	390
Reclamation trust funds (10-10-8070-301-A):		
401(C) Authority	54,100	757
Outlays	43,280	606

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Miscellaneous permanent appropriations (10-10-9922-806-A):		
401(C) Authority	282	4
Outlays	226	3
Geological Survey		
Surveys, investigations and research (10-12-0804-306-A):		
Budget Authority	468,056	6,553
401(C) Authority	250	4
401(C) Authority—		
Off. Coll.	75,405	1,056
Outlays	520,058	7,281
Operation and maintenance of quarters (10-12-5055-306-A):		
401(C) Authority	75	1
Outlays	40	1
Bureau of Mines		
Mines and minerals (10-14-0959-306-A):		
Budget Authority	165,452	2,316
Outlays	105,902	1,483
Helium fund (10-14-4053-306-A):		
401(C) Authority—		
Off. Coll.	3,453	48
Outlays	3,453	48
Fish and Wildlife Service		
Resource management (10-18-1611-303-A):		
Budget Authority	371,703	5,204
401(C) Authority—		
Off. Coll.	5,776	81
Outlays	301,738	4,224
Construction (10-18-1612-303-A):		
Budget Authority	33,007	462
Outlays	6,601	92
Land acquisition (10-18-5020-303-A):		
Budget Authority	77,472	1,085
Outlays	34,790	487
Operations and maintenance of quarters (10-18-5050-303-A):		
401(C) Authority	1,736	24
Outlays	478	7
National wildlife refuge fund (10-18-5091-806-A):		
Budget Authority	6,884	96
401(C) Authority	6,040	85
Outlays	8,811	123
Migratory bird conservation account (10-18-5137-303-A):		
401(C) Authority	30,600	428
Outlays	21,420	300
Sport fish restoration (10-18-8151-303-A):		
401(C) Authority	192,891	2,700
Outlays	57,867	810
Contributed funds (10-18-8216-303-A):		
401(C) Authority	4,165	58
Outlays	1,832	26
Miscellaneous permanent appropriations (10-18-9923-303-A):		
401(C) Authority	129,200	1,809
Outlays	36,760	543
National Park Service		
Operation of the national park system (10-24-1036-303-A):		
Budget Authority	769,918	10,779
401(C) Authority—		
Off. Coll.	2,800	39
Outlays	575,737	8,060

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
John F. Kennedy Center for the Performing Arts (10-24-1038-303-A):		
Budget Authority	5,379	75
Outlays	4,035	56
Construction (10-24-1039-303-A):		
Budget Authority	164,969	2,309
401(C) Authority—		
Off. Coll.	11,000	154
Outlays	35,673	499
National recreation and preservation (10-24-1042-303-A):		
Budget Authority	15,182	213
Outlays	11,386	159
Illinois & Michigan Canal National Heritage Corridor Commission (10-24-1043-303-A):		
Budget Authority	259	4
Outlays	129	2
Land acquisition (10-24-5035-303-A):		
Budget Authority	45,262	634
401(C) Authority	30,000	420
Outlays	30,543	428
Operations and maintenance of quarters (10-24-5049-303-A):		
401(C) Authority	8,632	121
Outlays	6,411	90
Historic preservation fund (10-24-5140-303-A):		
Budget Authority	31,598	442
Outlays	16,279	228
Miscellaneous permanent appropriations (10-24-9924-303-A):		
401(C) Authority	953	13
Outlays	138	2
Bureau of Indian Affairs		
Operation of Indian programs (Conservation and land management) (10-76-2100-302-A):		
Budget Authority	152,689	2,138
Outlays	116,035	1,624
Operation of Indian programs (Area and regional development) (10-76-2100-452-A):		
Budget Authority	597,631	8,367
401(C) Authority—		
Off. Coll.	4,000	56
Outlays	511,986	7,168
Operation of Indian programs (Elementary, secondary, & vo. ed.) (10-76-2100-501-A):		
Budget Authority	278,723	3,902
Outlays	236,914	3,317
Construction (10-76-2301-452-A):		
Budget Authority	98,308	1,376
Outlays	22,569	316
Revolving fund for loans (10-76-4409-452-A):		
401(C) Authority—		
Off. Coll.	11,070	155
Direct Loan		
Limitation	13,000	182
Outlays	24,070	337
Indian loan guaranty and insurance fund (10-76-4410-452-A):		
Budget Authority	3,491	49
Guaranteed Loan		
Limitation	45,000	630
Outlays	1,955	27
Operations and maintenance of quarters (10-76-5051-452-A):		
401(C) Authority	7,000	98
Outlays	5,000	70

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Cooperative fund (Papago) (10-76-8366-452-A):		
401(C) Authority	1,232	17
Miscellaneous permanent appropriations (Area and regional dev.) (10-76-9925-452-A):		
401(C) Authority	50,359	705
Outlays	32,104	449
Miscellaneous permanent appropriations (10-76-9925-808-A):		
401(C) Authority	2,000	28
Outlays	1,275	18
Office of Territorial Affairs		
Administration of territories (10-82-0412-808-A):		
Budget Authority	62,272	872
Outlays	31,816	445
Trust Territory of the Pacific Islands (10-82-0414-808-A):		
Budget Authority	29,458	412
Outlays	26,218	367
Compact of free association (10-82-0415-808-A):		
Budget Authority	28,345	397
Outlays	28,345	397
Office of the Secretary		
Salaries and Expenses (10-84-0102-306-A):		
Budget Authority	50,990	714
Outlays	43,333	607
Construction management (10-84-0103-306-A):		
Budget Authority	1,869	26
Outlays	1,684	24
Oil spill emergency fund (10-84-0119-306-A):		
Budget Authority	7,563	106
Outlays	3,782	53
Office of the Solicitor		
Office of the Solicitor (10-86-0107-306-A):		
Budget Authority	25,664	359
Outlays	23,097	323
Office of Inspector General		
Office of Inspector General (10-88-0104-306-A):		
Budget Authority	19,493	273
Outlays	17,544	246
Total, Department of the Interior:		
Budget Authority	5,702,935	79,843
401(C) Authority	1,164,464	16,301
401(C) Authority—		
Off. Coll.	255,546	3,577
Direct Loan		
Limitation	44,922	629
Guaranteed Loan		
Limitation	45,000	630
Outlays	5,341,599	74,782
Department of Justice		
General Administration		
Salaries and expenses (11-03-0129-751-A):		
Budget Authority	89,254	1,250
Outlays	79,968	1,120
Office of the Inspector General (11-03-0328-751-A):		
Budget Authority	9,411	132
Outlays	8,432	118
Emergency drug funding (11-03-0331-751-A):		
Budget Authority	73,556	1,030
Outlays	21,016	294

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
United States Parole Commission		
Salaries and expenses (11-04-1061-751-A):		
Budget Authority.....	11,321	158
Outlays.....	9,733	136
Legal Activities		
Salaries and expenses, Foreign Claims Settlement Commission (11-05-0100-153-A):		
Budget Authority.....	490	7
Outlays.....	355	5
Salaries and expenses, General legal activities (11-05-0128-752-A):		
Budget Authority.....	256,201	3,587
Outlays.....	222,894	3,121
Fees and expenses of witnesses (11-05-0311-752-A):		
Budget Authority.....	54,082	757
Outlays.....	37,911	591
Salaries and expenses, Antitrust Division (11-05-0319-752-A):		
Budget Authority.....	46,834	656
Outlays.....	38,306	536
Salaries and expenses, United States Attorneys (11-05-0322-752-A):		
Budget Authority.....	478,351	6,697
Outlays.....	420,949	5,893
Salaries and expenses, United States Marshals Service (11-05-0324-752-A):		
Budget Authority.....	213,187	2,985
401(C) Authority—		
Off. Coll.	4,108	58
Outlays.....	196,263	2,748
Independent counsel (11-05-0327-752-A):		
401(C) Authority.....	6,000	84
Outlays.....	6,000	84
Salaries and expenses, Community Relations Service (11-05-0500-752-A):		
Budget Authority.....	28,891	404
Outlays.....	24,554	344
Support of United States prisoners (11-05-1020-752-A):		
Budget Authority.....	114,076	1,597
Outlays.....	68,446	958
Assets forfeiture fund (11-05-5042-752-A):		
Budget Authority.....	75,389	1,055
401(C) Authority.....	237,729	3,328
Outlays.....	125,247	1,753
United States trustees system fund (11-05-5073-752-A):		
Budget Authority.....	49,250	690
Outlays.....	44,300	620
Federal Bureau of Investigation		
Salaries and expenses (11-10-0200-751-A):		
Budget Authority.....	1,495,782	20,941
401(C) Authority—		
Off. Coll.	24,354	341
Outlays.....	1,220,980	17,094
Drug Enforcement Administration		
Salaries and expenses (11-12-1100-751-A):		
Budget Authority.....	555,143	7,772
401(C) Authority—		
Off. Coll.	1,500	21
Outlays.....	417,857	5,850
Immigration and Naturalization Service		
Salaries and expenses (11-15-1217-751-A):		
Budget Authority.....	854,257	11,960
401(C) Authority—		
Off. Coll.	3,817	53

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Outlays.....	696,938	9,617
Immigration legalization (11-15-5086-751-A):		
401(C) Authority.....	54,792	767
Outlays.....	54,792	767
Immigration user fee (11-15-5087-751-A):		
401(C) Authority.....	105,000	1,470
Outlays.....	104,900	1,469
Immigration examinations fee (11-15-5088-751-A):		
401(C) Authority.....	54,000	756
Outlays.....	54,000	756
Federal Prison System		
Buildings and facilities (11-20-1003-753-A):		
Budget Authority.....	312,755	4,379
Outlays.....	28,663	401
National Institute of Corrections (11-20-1004-754-A):		
Budget Authority.....	9,946	139
Outlays.....	3,973	56
Salaries and expenses (11-20-1060-753-A):		
Budget Authority.....	989,190	13,849
401(C) Authority—		
Off. Coll.	12,746	178
Outlays.....	930,544	13,028
Federal Prison Industries, Incorporated (11-20-4500-753-A):		
Budget Authority.....	20,720	290
Obligation limitation.....	2,857	40
Outlays.....	23,577	330
Office of Justice Programs		
Justice assistance (11-21-0401-754-A):		
Budget Authority.....	334,924	4,689
Outlays.....	123,172	1,724
Crime Victims Fund (11-21-5041-754-A):		
401(C) Authority.....	125,000	1,750
Outlays.....	62,500	875
Total, Department of Justice:		
Budget Authority.....	6,073,010	85,024
401(C) Authority.....	582,521	8,155
401(C) Authority—		
Off. Coll.	46,525	651
Obligation limitation.....	2,857	40
Outlays.....	5,016,270	70,228
Department of Labor		
Employment and Training Administration		
Program administration (12-05-0172-504-A):		
Budget Authority.....	73,575	1,030
Outlays.....	58,144	814
Training and employment services (12-05-0174-504-A):		
Budget Authority.....	3,872,575	54,216
Outlays.....	149,102	2,087
Community service employment for older Americans (12-05-0175-504-A):		
Budget Authority.....	356,202	4,987
Outlays.....	65,339	915
State unemployment insurance and employment services (12-05-0179-504-A):		
Budget Authority.....	23,371	327
Outlays.....	5,575	78
Federal unemployment benefits and allowances (12-05-0326-504-A):		
Budget Authority.....	80,000	1,120
Outlays.....	24,000	336
Federal unemployment benefits and allowances (12-05-0326-603-A):		
Budget Authority.....	204,000	2,856
Outlays.....	204,000	2,856

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Unemployment trust fund (Training and employment) (12-05-8042-504-A):		
Obligation limitation.....	1,082,794	15,159
Outlays.....	453,321	6,346
Unemployment trust fund (Unemployment compensation) (12-05-8042-603-A):		
401(C) Authority.....	129,100	1,807
Obligation limitation.....	1,735,981	24,304
Outlays.....	1,865,099	26,111
Labor-Management Services		
Salaries and expenses (12-10-0104-505-A):		
Budget Authority.....	74,999	1,050
Outlays.....	63,875	894
Pension Benefit Guaranty Corporation		
Pension Benefit Guaranty Corporation fund (12-12-4204-601-A):		
Obligation limitation.....	72,468	1,015
Outlays.....	72,468	1,015
Employment Standards Administration		
Salaries and expenses (12-15-0105-505-A):		
Budget Authority.....	220,299	3,084
401(C) Authority—		
Off. Coll.	1,500	21
Outlays.....	190,434	2,666
Black lung disability trust fund (12-15-8144-601-A):		
Budget Authority.....	58,581	820
Outlays.....	58,581	820
Special workers' compensation expenses (12-15-9971-601-A):		
Obligation limitation.....	539	8
Outlays.....	539	8
Occupational Safety and Health Administration		
Salaries and expenses (12-18-0400-554-A):		
Budget Authority.....	257,197	3,601
Outlays.....	229,542	3,214
Mine Safety and Health Administration		
Salaries and expenses (12-19-1200-554-A):		
Budget Authority.....	169,095	2,367
Outlays.....	153,295	2,146
Bureau of Labor Statistics		
Salaries and expenses (12-20-0200-505-A):		
Budget Authority.....	195,319	2,734
401(C) Authority—		
Off. Coll.	1,100	15
Outlays.....	167,175	2,340
Departmental Management		
Inspector General salaries and expenses (12-25-0106-505-A):		
Budget Authority.....	41,074	575
Outlays.....	35,875	502
Salaries and expenses (12-25-0165-505-A):		
Budget Authority.....	123,076	1,723
Outlays.....	101,593	1,422
Total, Department of Labor:		
Budget Authority.....	5,749,363	80,490
401(C) Authority.....	129,100	1,807
401(C) Authority—		
Off. Coll.	2,600	36
Obligation limitation.....	2,891,782	40,488
Outlays.....	3,897,957	54,570

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Department of State		
Administration of Foreign Affairs		
Salaries and expenses (14-05-0113-153-A):		
Budget Authority	1,856,768	25,995
Outlays	1,466,277	20,528
Protection of foreign missions and officials (14-05-0520-153-A):		
Budget Authority	9,428	132
Outlays	3,809	53
Emergencies in the diplomatic and consular service (14-05-0522-153-A):		
Budget Authority	4,662	65
Direct Loan		
Limitation	626	9
Outlays	2,727	38
Payment to the American Institute in Taiwan (14-05-0523-153-A):		
Budget Authority	11,282	158
Outlays	8,337	117
Acquisition and maintenance of buildings abroad (14-05-0535-153-A):		
Budget Authority	248,796	3,483
Outlays	45,673	639
Representation allowances (14-05-0545-153-A):		
Budget Authority	4,755	67
Outlays	4,151	58
International Organizations and Conferences		
Contributions for international peacekeeping activities (14-10-1124-153-A):		
Budget Authority	30,044	421
Outlays	30,044	421
International conferences and contingencies (14-10-1125-153-A):		
Budget Authority	6,216	87
Outlays	4,227	59
Contributions to international organizations (14-10-1126-153-A):		
Budget Authority	503,434	7,048
401(C) Authority—		
Off. Coll.	40	1
Outlays	478,302	6,696
International Commissions		
Salaries and expenses, IBWC (14-15-1069-301-A):		
Budget Authority	10,668	149
Outlays	9,636	135
Construction, IBWC (14-15-1078-301-A):		
Budget Authority	3,282	46
Outlays	1,643	23
American sections, international commissions (14-15-1082-301-A):		
Budget Authority	4,480	63
Outlays	3,515	49
International fisheries commissions (14-15-1087-302-A):		
Budget Authority	10,928	153
Outlays	10,928	153
Other		
United States emergency refugee and migration assistance fund (14-25-0040-151-A):		
Budget Authority	51,800	725
Outlays	25,900	363
Anti-terrorism assistance (14-25-0114-152-A):		
Budget Authority	10,194	143
Outlays	8,156	114

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Soviet-East European research and training (14-25-0118-153-A):		
Budget Authority	4,766	67
Outlays	4,766	67
Payment to the Asia Foundation (14-25-0525-154-A):		
Budget Authority	14,193	199
Outlays	14,193	199
International narcotics control (14-25-1022-151-A):		
Budget Authority	104,659	1,465
Outlays	31,382	439
Migration and refugee assistance (14-25-1143-151-A):		
Budget Authority	478,584	6,700
Outlays	335,007	4,690
U.S. bilateral science and technology agreements (14-25-1151-153-A):		
Budget Authority	2,072	29
Outlays	2,072	29
Fisherman's guaranty fund (14-25-5121-376-A):		
Budget Authority	1,787	25
Outlays	1,787	25
International Center, Washington, D.C. (14-25-5151-153-A):		
401(C) Authority	1,284	18
Outlays	1,223	17
Total, Department of State:		
Budget Authority	3,372,798	47,220
401(C) Authority	1,284	18
401(C) Authority—		
Off. Coll.	40	1
Direct Loan		
Limitation	626	9
Outlays	2,493,755	34,912
Department of Transportation		
Federal Highway Administration		
Access highways to public recreation areas on certain lakes (21-05-0503-401-A):		
Budget Authority	1,337	19
Outlays	267	4
Motor carrier safety (21-05-0552-401-A):		
Budget Authority	28,054	393
Outlays	24,407	342
Railroad-highway crossings demonstration projects (21-05-0557-401-A):		
Budget Authority	2,611	37
Outlays	522	7
Trust fund share of other highway programs (21-05-8009-401-A):		
Budget Authority	5,221	73
Outlays	1,044	15
Baltimore-Washington Parkway (21-05-8014-401-A):		
Budget Authority	13,287	186
Outlays	2,657	37
Highway safety research and development (21-05-8017-401-A):		
Budget Authority	6,299	88
Outlays	1,260	18
Highway-related safety grants (21-05-8019-401-A):		
401(C) Authority	10,000	140
Obligation limitation	9,744	136
Outlays	1,717	24
Motor carrier safety grants (21-05-8048-401-A):		
401(C) Authority	60,000	840
Obligation limitation	62,160	870
Outlays	23,960	335
Federal-aid highways (21-05-8083-401-A):		
401(C) Authority	13,850,959	193,913
Obligation limitation	12,432,000	174,048

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Outlays	2,263,118	31,684
Right-of-way revolving fund (trust revolving fund) (21-05-8402-401-A):		
Direct Loan		
Limitation	47,850	670
Outlays	47,850	670
Miscellaneous appropriations (21-05-9911-401-A):		
Budget Authority	56,592	792
Outlays	11,319	158
Miscellaneous trust funds—Highway (21-05-9972-401-A):		
Budget Authority	65,395	916
Outlays	13,079	183
National Highway Traffic Safety Administration		
Operations and research (21-10-0650-401-A):		
Budget Authority	70,451	986
Outlays	43,885	614
Trust fund share of operations and research (21-10-8016-401-A):		
Budget Authority	31,904	447
Outlays	19,188	269
State and community highway safety grants (21-10-8020-401-A):		
401(C) Authority	126,000	1,764
Obligation limitation	130,536	1,828
Outlays	53,520	749
Federal Railroad Administration		
Northeast corridor improvement program (21-16-0123-401-A):		
Budget Authority	20,306	284
Outlays	4,061	57
Office of the Administrator (21-16-0700-401-A):		
Budget Authority	21,753	305
Outlays	20,665	289
Railroad safety (21-16-0702-401-A):		
Budget Authority	28,924	405
Outlays	23,124	324
Grants to National Railroad Passenger Corporation (21-16-0704-401-A):		
Budget Authority	605,024	8,470
Outlays	544,522	7,623
Freightline rehabilitation (21-16-0713-401-A):		
Budget Authority	6,216	87
Outlays	3,730	52
Railroad safety research and development (21-16-0745-401-A):		
Budget Authority	9,624	135
Outlays	5,772	81
Commuter rail service (21-16-0747-401-A):		
Budget Authority	4,662	65
Outlays	513	7
Urban Mass Transportation Administration		
Urban mass transportation fund, administrative expenses (21-20-1120-401-A):		
Budget Authority	33,142	464
Outlays	29,828	418
Research, training and human resources (21-20-1121-401-A):		
Budget Authority	10,360	145
Outlays	2,072	29
Interstate transfer grants (21-20-1127-401-A):		
Budget Authority	207,200	2,901
Outlays	4,144	58
Washington metro (21-20-1128-401-A):		
Budget Authority	174,048	2,437
Outlays	41,046	575

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Formula grants (21-20-1129-401-A):		
Budget Authority.....	1,662,780	23,279
Outlays.....	544,502	7,623
Discretionary grants (21-20-8191-401-A):		
401(C) Authority.....	1,300,000	18,200
Obligation limitation.....	1,181,000	16,534
Outlays.....	59,050	827
Federal Aviation Administration		
Operations (21-25-1301-402-A):		
Budget Authority.....	3,053,089	42,743
401(C) Authority—		
Off. Coll.	14,650	205
Outlays.....	2,641,542	36,982
Headquarters administration (21-25-1302-402-A):		
Budget Authority.....	38,284	536
Outlays.....	33,690	472
Aircraft purchase loan guarantee program (21-25-1399-402-A):		
Budget Authority.....	150	2
Outlays.....	150	2
Trust fund share of FAA Operations (21-25-8104-402-A):		
Budget Authority.....	490,649	6,869
Outlays.....	490,649	6,869
Grants-in-aid for airports (Airport and airway trust fund) (21-25-8106-402-A):		
Budget Authority.....	104	1
401(C) Authority.....	1,700,000	23,800
Obligation limitation.....	1,450,400	20,306
Outlays.....	217,216	3,041
Facilities and equipment (Airport and airway trust fund) (21-25-8107-402-A):		
Budget Authority.....	1,434,090	20,077
401(C) Authority—		
Off. Coll.	45,327	635
Outlays.....	181,176	2,536
Research, engineering & development (Airport & airway trust fund) (21-25-8108-402-A):		
Budget Authority.....	165,584	2,318
401(C) Authority—		
Off. Coll.	500	7
Outlays.....	101,889	1,426
Coast Guard		
Operating expenses (21-30-0201-403-A):		
Budget Authority.....	2,029,694	28,416
401(C) Authority—		
Off. Coll.	5,181	73
Outlays.....	1,702,005	23,828
Acquisition, construction, and improvements (21-30-0240-403-A):		
Budget Authority.....	398,958	5,585
Outlays.....	43,795	613
Retired pay (Coast Guard) (21-30-0241-403-A):		
Budget Authority.....	45,050	631
Outlays.....	45,050	631
Reserve training (21-30-0242-403-A):		
Budget Authority.....	69,140	968
Outlays.....	60,554	848
Research, development, test, and evaluation (21-30-0243-403-A):		
Budget Authority.....	19,477	273
Outlays.....	6,646	93
Alteration of bridges (21-30-0244-403-A):		
Budget Authority.....	14,000	196
Outlays.....	1,700	24
Coast Guard shore facilities (21-30-0246-403-A):		
Budget Authority.....	51,862	726
Outlays.....	5,701	80

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Offshore oil pollution compensation fund (21-30-5167-304-A):		
Obligation limitation.....	62,160	870
Pollution fund (21-30-5168-304-A):		
401(C) Authority.....	5,700	80
Outlays.....	1,760	25
Deepwater port liability fund (21-30-5170-304-A):		
Obligation limitation.....	51,800	725
Boat safety (21-30-8149-403-A):		
Budget Authority.....	62,160	870
Obligation limitation.....	31,080	435
Outlays.....	42,393	594
Maritime Administration		
Ready reserve force (21-35-1710-403-A):		
Budget Authority.....	114,740	1,606
Outlays.....	97,527	1,365
Operations and training (21-35-1750-403-A):		
Budget Authority.....	88,804	963
Outlays.....	58,465	819
Federal ship financing fund (21-35-4301-403-A):		
Obligation limitation.....	3,730	52
Outlays.....	3,544	50
Saint Lawrence Seaway Development Corporation		
Saint Lawrence Seaway Development Corporation (21-40-4089-403-A):		
401(C) Authority—		
Off. Coll.	1,000	14
Outlays.....	1,000	14
Operations and maintenance (21-40-8003-403-A):		
Budget Authority.....	11,536	162
Outlays.....	11,536	162
Office of the Inspector General		
Salaries and expenses (21-45-0130-407-A):		
Budget Authority.....	30,155	422
Outlays.....	26,043	365
Research and Special Programs Administration		
Research and special programs (21-50-0104-407-A):		
Budget Authority.....	15,370	215
Outlays.....	10,141	142
Pipeline safety (21-50-5172-407-A):		
Budget Authority.....	9,645	135
Outlays.....	9,162	128
Office of the Secretary		
Salaries and expenses (21-55-0102-407-A):		
Budget Authority.....	56,687	794
Outlays.....	50,337	705
Transportation planning, research, and development (21-55-0142-407-A):		
Budget Authority.....	5,813	81
Outlays.....	2,307	32
Payments to air carriers, DOT (21-55-0150-402-A):		
Budget Authority.....	32,738	458
Outlays.....	26,190	367
Working capital fund (21-55-4520-407-A):		
Budget Authority.....	3,315	48
Outlays.....	3,315	46
Total, Department of Transportation:		
Budget Authority.....	11,286,284	158,007
401(C) Authority.....	17,052,659	238,737
401(C) Authority—		
Off. Coll.	66,658	934
Obligation limitation.....	15,414,610	215,804

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Direct Loan Limitation.....	47,850	670
Outlays.....	9,666,305	135,331
Department of the Treasury		
Salaries and expenses (15-05-0101-803-A):		
Budget Authority.....	84,857	1,168
401(C) Authority—		
Off. Coll.	5,123	72
Outlays.....	78,525	1,099
Federal Law Enforcement Training Center		
Salaries and expenses (15-08-0104-751-A):		
Budget Authority.....	36,003	504
Outlays.....	32,486	455
Acquisitions, construction, improvements, & related expenses (15-08-0105-751-A):		
Budget Authority.....	20,720	290
Outlays.....	8,702	122
Financial Management Service		
Salaries and expenses (15-10-1801-803-A):		
Budget Authority.....	287,595	4,026
Outlays.....	244,414	3,422
Payments to the Farm Credit System Financial Asst. Corp. (15-10-1850-351-A):		
Budget Authority.....	70,793	991
Outlays.....	70,793	991
Saint Lawrence Seaway toll rebate program (15-10-8865-808-A):		
Budget Authority.....	11,085	155
Outlays.....	10,964	153
Bureau of Alcohol, Tobacco and Firearms		
Salaries and expenses (15-13-1000-751-A):		
Budget Authority.....	250,499	3,507
Outlays.....	228,187	3,167
United States Customs Service		
Salaries and expenses (15-15-0602-751-A):		
Budget Authority.....	1,074,599	15,044
401(C) Authority.....	116,584	1,632
Outlays.....	1,012,056	14,169
Operation and maintenance, air interdiction program (15-15-0604-751-A):		
Budget Authority.....	154,635	2,165
Outlays.....	85,049	1,191
Customs forfeiture fund (15-15-5693-803-A):		
Budget Authority.....	10,360	145
401(C) Authority.....	35,000	490
Outlays.....	45,360	635
Customs services at small airports (15-15-5694-808-A):		
Budget Authority.....	1,652	23
Outlays.....	1,652	23
Refunds, transfers and expenses, unclaimed and seized goods (15-15-8789-803-A):		
401(C) Authority.....	17,403	244
Outlays.....	17,403	244
Bureau of Engraving and Printing		
Bureau of Engraving and Printing fund (15-20-4502-803-A):		
401(C) Authority—		
Off. Coll.	333,809	4,673
Outlays.....	333,809	4,673

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
United States Mint		
Salaries and expenses (15-25-1616-803-A):		
Budget Authority	48,858	684
401(C) Authority—		
Off. Coll.	109,957	1,539
Outlays	141,666	1,983

Bureau of the Public Debt

Administering the public debt (15-35-0560-803-A):		
Budget Authority	226,944	3,177
Outlays	183,533	2,569

Internal Revenue Service

Salaries and expenses (15-45-0911-803-A):		
Budget Authority	90,431	1,266
Outlays	67,630	947
Processing tax returns and executive direction (15-45-0912-803-A):		
Budget Authority	1,807,710	25,308
Outlays	1,482,322	20,752
Examinations and appeals (15-45-0913-803-A):		
Budget Authority	2,009,730	28,136
Outlays	1,828,854	25,604
Investigation, collection, and taxpayer service (15-45-0914-803-A):		
Budget Authority	1,491,687	20,884
Outlays	1,342,518	18,795
Federal tax lien revolving fund (15-45-4413-803-A):		
401(C) Authority—		
Off. Coll.	8,451	118
Outlays	8,451	118

United States Secret Service

Contribution for annuity benefits (15-55-1407-751-A):		
401(C) Authority	18,000	252
Outlays	18,000	252
Salaries and expenses (15-55-1408-751-A):		
Budget Authority	371,462	5,200
Outlays	315,743	4,420
Total, Department of the Treasury:		
Budget Authority	8,049,620	112,693
401(C) Authority	186,987	2,618
401(C) Authority—		
Off. Coll.	457,340	6,402
Outlays	7,556,117	105,784

Department of Veterans Affairs

Veterans Benefits Administration

Readjustment benefits (29-10-0137-702-A):		
Budget Authority	241,926	3,387
Outlays	227,833	3,190
Burial benefits and miscellaneous assistance (29-10-0155-701-A):		
Budget Authority	143,612	2,011
Outlays	138,228	1,935
Direct loan revolving fund (29-10-4024-704-A):		
Direct Loan		
Limitation	1,000	14

Veterans Health Services and Research Administration

Grants to the Republic of the Philippines (29-20-0144-703-A):		
Budget Authority	518	7
Medical administration and miscellaneous operating expenses (29-20-0152-703-A):		
Budget Authority	49,788	697
Outlays	31,274	438

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Medical care (29-20-0160-703-A):		
Budget Authority	843,184	11,805
Outlays	714,683	10,006
Medical care (29-20-0160-703-G):		
Budget Authority—		
Spec. Rules	209,402	146,581
401(C) Authority—		
Spec. Rules	406	284
Outlays	180,194	126,136
Medical and prosthetic research (29-20-0161-703-A):		
Budget Authority	219,096	3,067
Outlays	165,462	2,316
Medical center research organizations (29-20-4026-703-A):		
401(C) Authority—		
Off. Coll.	4,500	63
Outlays	4,500	63

Departmental Administration

Construction, major projects (29-30-0110-703-A):		
Budget Authority	370,918	5,193
Outlays	6,649	93
Construction, minor projects (29-30-0111-703-A):		
Budget Authority	100,784	1,411
Outlays	42,008	588
General operating expenses (29-30-0151-705-A):		
Budget Authority	827,826	11,590
Outlays	761,599	10,662
Grants for construction of state extended care facilities (29-30-0181-703-A):		
Budget Authority	43,512	609
Grants for the construction of State veterans cemeteries (29-30-0183-705-A):		
Budget Authority	9,324	131
Outlays	942	13
Parking garage revolving fund (29-30-4538-703-A):		
Budget Authority	26,936	377
Total, Department of Veterans Affairs:		
Budget Authority	2,877,424	40,285
Budget Authority—		
Spec. Rules	209,402	146,581
401(C) Authority—		
Off. Coll.	4,500	63
401(C) Authority—		
Spec. Rules	406	284
Direct Loan		
Limitation	1,000	14
Outlays	2,273,372	155,440

Environmental Protection Agency

Environmental Protection Agency

Construction grants (20-00-0103-304-A):		
Budget Authority	2,020,000	28,280
Outlays	34,000	476
Research and development (Energy supply) (20-00-0107-271-A):		
Budget Authority	52,061	729
Outlays	18,221	255
Research and development (Pollution control and abatement) (20-00-0107-304-A):		
Budget Authority	157,729	2,208
Outlays	59,937	839
Abatement, control, and compliance (20-00-0108-304-A):		
Budget Authority	745,847	10,442
Outlays	332,493	4,655
Buildings and facilities (20-00-0110-304-A):		
Budget Authority	8,288	116
Outlays	1,445	20

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Salaries and expenses (20-00-0200-304-A):		
Budget Authority	847,016	11,858
401(C) Authority—		
Off. Coll.	3,808	53
Outlays	731,989	10,248
Payment to the hazardous substance superfund (20-00-0250-304-A):		
Budget Authority	155,400	2,176
Registration and expedited processing revolving fund (20-00-4310-304-A):		
401(C) Authority—		
Off. Coll.	14,000	196
Outlays	14,000	196
Revolving fund for certification and other services (20-00-4311-304-A):		
401(C) Authority—		
Off. Coll.	1,200	17
Outlays	1,200	17
Hazardous substance superfund (20-00-8145-304-A):		
Budget Authority	1,461,391	20,459
401(C) Authority—		
Off. Coll.	13,200	185
Obligation limitation	197,471	2,765
Outlays	362,555	5,076
Leaking underground storage tank trust fund (20-00-8153-304-A):		
Budget Authority	51,819	725
Obligation limitation	5,199	73
Outlays	7,757	109
Total, Environmental Protection Agency:		
Budget Authority	5,499,551	78,993
401(C) Authority—		
Off. Coll.	32,208	451
Obligation limitation	202,670	2,838
Outlays	1,563,597	21,891

General Services Administration

Real Property Activities

Federal buildings fund (23-05-4542-804-A):		
401(C) Authority—		
Off. Coll.	4,900	69
Outlays	4,900	69

Personal Property Activities

Federal supply service (23-10-0116-804-A):		
Budget Authority	48,982	686
Outlays	31,690	444
Expenses of transportation audit contracts (23-10-5250-804-A):		
401(C) Authority	15,500	217
Outlays	15,214	213

Information Resources Management Service

Operating expenses, information resources management service (23-15-0900-804-A):		
Budget Authority	33,114	464
Outlays	21,623	303

Federal Property Resources Activities

Operating expenses, federal property resources management service (General) (23-25-0533-804-A):		
Budget Authority	11,220	157
Outlays	7,226	101
Real property relocation (23-25-0535-804-A):		
Budget Authority	4,144	58
Outlays	2,172	30

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Expenses, disposal of surplus real and related personal proper (23-25-5254-804-A):		
401(C) Authority	3,800	53
Outlays	2,865	40
General Activities		
Allowances and office staff for former Presidents (23-30-0105-802-A):		
Budget Authority	1,071	15
Outlays	937	13
Expenses, presidential transition (23-30-0107-802-A):		
Budget Authority	4,921	69
Outlays	4,921	69
Office of Inspector General (23-30-0108-804-A):		
Budget Authority	25,997	364
Outlays	22,106	309
General management and administration, salaries and expenses (23-30-0110-804-A):		
Budget Authority	125,520	1,757
Outlays	85,819	1,201
Consumer information center fund (23-30-4549-376-A):		
Budget Authority	1,406	20
401(C) Authority—		
Off. Coll.	536	8
Outlays	73	1
Total, General Services Administration:		
Budget Authority	256,375	3,590
401(C) Authority	19,300	270
401(C) Authority—		
Off. Coll.	5,436	77
Outlays	199,546	2,793

National Aeronautics and Space Administration

National Aeronautics and Space Administration

Research and program management (Space flight) (26-00-0103-253-A):		
Budget Authority	958,460	13,418
401(C) Authority—		
Off. Coll.	5,000	70
Outlays	827,359	11,583
Research & program management (Space science, applications, etc) (26-00-0103-254-A):		
Budget Authority	624,299	8,740
Outlays	533,151	7,464
Research & program management (Supporting space activities) (26-00-0103-255-A):		
Budget Authority	74,035	1,036
Outlays	63,152	884
Research and program management (Air transportation) (26-00-0103-402-A):		
Budget Authority	344,165	4,818
Outlays	293,917	4,115
Space Flight, Control, and Data Comm. (26-00-0105-250-A):		
401(C) Authority—		
Off. Coll.	8,368	117
Outlays	8,368	117
Space Flight, Control, and Data Comm. (space flight) (26-00-0105-253-A):		
Budget Authority	3,640,400	50,966
Outlays	2,566,482	35,931
Space Flight, Control, and Data Comm. (supporting act.) (26-00-0105-255-A):		
Budget Authority	815,962	11,423
401(C) Authority	47,935	671
Outlays	430,828	6,032

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Construction of facilities (Space flight) (26-00-0107-253-A):		
Budget Authority	76,042	1,065
Outlays	4,943	69
Construction of facilities (Space science, applications, etc) (26-00-0107-254-A):		
Budget Authority	11,810	165
Outlays	768	11
Construction of facilities (Supporting space activities) (26-00-0107-255-A):		
Budget Authority	142,761	1,999
Outlays	9,279	130
Construction of facilities (Air transportation) (26-00-0107-402-A):		
Budget Authority	54,390	761
Outlays	3,535	49
Research and development (Space flight) (26-00-0108-253-A):		
Budget Authority	1,630,664	22,829
401(C) Authority—		
Off. Coll.	5,781	81
Outlays	788,499	11,039
Research and development (Space science, applications, etc) (26-00-0108-254-A):		
Budget Authority	2,263,556	31,690
Outlays	1,152,150	16,130
Research and development (Supporting space activities) (26-00-0108-255-A):		
Budget Authority	19,477	273
Outlays	12,522	175
Research and development (Air transportation) (26-00-0108-402-A):		
Budget Authority	450,556	6,308
Outlays	230,189	3,223
Science, Space and Technology Education Trust Fund (26-00-8978-503-A):		
401(C) Authority	1,000	14
Outlays	1,000	14
Total, National Aeronautics and Space Administration:		
Budget Authority	11,106,577	155,491
401(C) Authority	48,935	685
401(C) Authority—		
Off. Coll.	19,149	268
Outlays	6,926,142	96,966

Office of Personnel Management

Office of Personnel Management

Salaries and expenses (27-00-0100-805-A):		
Budget Authority	112,254	1,572
Outlays	106,623	1,493
Government payment for annuitants, employees health benefits (27-00-0206-551-A):		
Budget Authority	3,780,169	52,822
Government payment for annuitants, employ. life insur. benefit (27-00-0500-602-A):		
Budget Authority	2,700	38
Outlays	2,100	29
Revolving fund (27-00-4571-805-A):		
401(C) Authority—		
Off. Coll.	1,167	16
Outlays	1,167	16
Civil service retirement and disability fund (27-00-8135-602-A):		
Obligation limitation	69,463	972
Outlays	69,463	972
Employees life insurance fund (27-00-8424-602-A):		
Obligation limitation	772	11
Outlays	772	11

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Employees health benefits fund (27-00-8440-551-A):		
Obligation limitation	10,650	149
Outlays	10,650	149
Retired employees health benefits fund (27-00-8445-551-A):		
Obligation limitation	130	2
Outlays	130	2
Total, Office of Personnel Management:		
Budget Authority	3,895,123	54,532
401(C) Authority—		
Off. Coll.	1,167	16
Obligation limitation	81,015	1,134
Outlays	190,905	2,672

Small Business Administration

Small Business Administration

Salaries and expenses (28-00-0100-376-A):		
Budget Authority	337,829	4,730
Outlays	304,046	4,257
Disaster loan fund (28-00-4153-453-A):		
Direct Loan		
Limitation	250,000	3,500
Business loan and investment fund (28-00-4154-376-A):		
Budget Authority	84,952	1,189
Direct Loan		
Limitation	84,952	1,189
Guaranteed Loan		
Limitation	3,925,000	54,950
Outlays	33,980	478
Surety bond guarantees revolving fund (28-00-4156-376-A):		
Guaranteed Loan		
Limitation	1,295,000	18,130
Total, Small Business Administration:		
Budget Authority	422,781	5,919
Direct Loan		
Limitation	334,952	4,689
Guaranteed Loan		
Limitation	5,220,000	73,080
Outlays	338,026	4,733

Other Independent Agencies

ACTION

Operating expenses (30-01-0103-506-A):		
Budget Authority	176,944	2,477
Outlays	107,228	1,501

Administrative Conference of the United States

Salaries and expenses (30-05-1700-751-A):		
Budget Authority	1,938	27
Outlays	1,550	22

Advisory Commission on Intergovernmental Relations

Salaries and expenses (30-15-0100-808-A):		
Budget Authority	1,078	15
Outlays	769	11

Advisory Committee on Federal Pay

Salaries and expenses (30-20-1800-805-A):		
Budget Authority	212	3
Outlays	204	3

G-R-H Sequester Amounts—Continued (In thousands of dollars)			G-R-H Sequester Amounts—Continued (In thousands of dollars)			G-R-H Sequester Amounts—Continued (In thousands of dollars)		
Account Title	Sequester Base	Sequester Amount	Account Title	Sequester Base	Sequester Amount	Account Title	Sequester Base	Sequester Amount
Advisory Council on Historic Preservation			Commission of Fine Arts			District of Columbia		
Salaries and expenses (30-25-2300-303-A):			Salaries and expenses (31-60-2600-451-A):			Federal payment to the District of Columbia (33-40-1700-806-A):		
Budget Authority	1,848	26	Budget Authority	493	7	Budget Authority	445,998	6,244
Outlays	1,663	23	Outlays	451	6	Outlays	445,998	6,244
American Battle Monuments Commission			National capital arts and cultural affairs (31-60-2602-503-A):			Federal payment to the District of Columbia (33-40-1700-806-B):		
Salaries and expenses (30-30-0100-705-A):			Budget Authority	5,180	73	Budget Authority	33,193	465
Budget Authority	15,681	220	Outlays	5,180	73	Outlays	33,193	465
Outlays	13,316	185	Commission on Agricultural Workers			Federal payment to the District of Columbia (33-40-1700-806-C):		
American Revolution Bicentennial Administration			Commission on Agricultural Workers: Salaries and expenses (31-65-0057-352-A):			Budget Authority	53,945	755
American Revolution Bicentennial Administration (30-35-1900-806-A):			Budget Authority	519	7	Outlays	53,945	755
Budget Authority	4,937	69	Outlays	467	7	Federal payment to the District of Columbia (33-40-1700-806-D):		
Outlays	4,937	69	Commission on Civil Rights			Budget Authority	20,720	290
Appalachian Regional Commission			Salaries and expenses (31-75-1900-751-A):			Outlays	20,720	290
Appalachian regional development programs (30-40-0200-452-A):			Budget Authority	5,893	82	Federal payment to the District of Columbia (33-40-1700-806-E):		
Budget Authority	150,000	2,100	Outlays	5,008	70	Budget Authority	3,419	48
Outlays	12,016	168	Comm on the Bicentennial of the U.S. Constitution			Outlays	3,419	48
Architectural & Transport Barriers Compliance Bd			Salaries and expenses (32-15-0054-808-A):			Equal Employment Opportunity Commission		
Salaries and expenses (30-45-3200-751-A):			Budget Authority	7,204	101	Salaries and expenses (33-70-0100-751-A):		
Budget Authority	1,963	27	Outlays	5,713	80	Budget Authority	187,829	2,630
Outlays	1,510	21	Committee for Purchase from the Blind and others			Outlays	165,783	2,321
Arms Control and Disarmament Agency			Salaries and expenses (32-45-2000-505-A):			Export-Import Bank of the United States		
Arms control and disarmament activities (30-50-0100-153-A):			Budget Authority	895	13	Export-Import Bank of the United States (33-90-4027-155-A):		
Budget Authority	32,220	451	Outlays	805	11	Budget Authority	113,960	1,595
Outlays	27,376	383	Commodity Futures Trading Commission			Obligation limitation	21,202	297
Barry Goldwater Scholarship Foundation			Commodity Futures Trading Commission (32-55-1400-376-A):			Direct Loan		
Barry Goldwater Scholarship and Excellence in Educ. Fou (30-70-8281-502-A):			Budget Authority	36,098	505	Limitation	720,020	10,080
401(C) Authority	3,840	54	Outlays	30,750	430	Guaranteed Loan		
Outlays	1,307	18	Consumer Product Safety Commission			Limitation	10,567,200	147,941
Board for International Broadcasting			Product safety (32-85-0100-554-A):			Outlays	57,604	808
Grants and expenses (30-85-1145-154-A):			Budget Authority	35,861	502	Farm Credit Administration		
Budget Authority	202,048	2,829	401(C) Authority—			Revolving fund for administrative expenses (34-10-4131-351-A):		
Outlays	200,027	2,800	Off. Coll.	10	3	Obligation limitation	36,377	509
Israel Relay Station (30-85-1146-154-A):			Outlays	30,474	427	Outlays	36,377	509
Budget Authority	34,188	479	Corporation for Public Broadcasting			Farm Credit Systems Financial Assistance Corp		
Outlays	34,188	479	Public broadcasting fund (32-90-0151-503-A):			Farm credit assistance Fund (34-20-4133-351-A):		
Christopher Columbus Quincentenary Jubilee Comm			401(C) Authority	232,648	3,257	401(C) Authority	635,000	8,890
Salaries and expenses (31-30-0800-376-A):			Outlays	232,648	3,257	Outlays	593,090	8,303
Budget Authority	220	3	Court of Veterans Appeals			Financial assistance corporation trust fund (34-20-8202-351-A):		
Outlays	220	3	Salaries and expenses (32-95-0300-705-A):			401(C) Authority	80,705	1,130
Gifts and donations (31-30-8095-376-A):			Budget Authority	3,241	45	Federal Communications Commission		
401(C) Authority	29	0	Outlays	2,754	39	Salaries and expenses (34-35-0100-376-A):		
Outlays	29	0	Defense Nuclear Facilities Safety Board			Budget Authority	103,598	1,450
Comm for Study of Intl Migration & Coop Econ Devel			Salaries and expenses (33-20-3900-053-A):			Outlays	97,381	1,383
Comm. for the Study of Int. Mig. and Coop. Econ. Dev. S (31-55-1400-153-A):			Budget Authority	7,000	105	Federal Election Commission		
Budget Authority	1,338	19	Outlays	7,000	105	Salaries and expenses (34-45-1600-808-A):		
Outlays	869	12	Delaware River Basin Commission			Budget Authority	16,093	225
Salaries and expenses (33-30-0100-301-A):			Salaries and expenses (33-30-0100-301-A):			Outlays	14,484	203
Budget Authority	214	3	Budget Authority	214	3	Federal Emergency Management Agency		
Outlays	200	3	Outlays	200	3	Salaries and expenses (Defense-related activities) (34-50-0100-054-A):		
Contribution to Delaware River Basin Commission (33-30-0102-301-A):			Budget Authority			Budget Authority	71,417	1,000
Budget Authority	345	5	Outlays			Outlays	64,276	900
Outlays	345	5						

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Salaries and expenses (Disaster relief and insurance) (34-50-0100-453-A):		
Budget Authority	71,301	998
Outlays	64,171	898
Emergency planning and assistance (Defense-related activities) (34-50-0101-054-A):		
Budget Authority	265,479	3,717
Outlays	146,013	2,044
Emergency planning and assistance (Disaster relief & insurance) (34-50-0101-453-A):		
Budget Authority	27,126	380
Outlays	14,919	209
Emergency food and shelter (34-50-0103-605-A):		
Budget Authority	130,788	1,831
Outlays	130,788	1,831
Disaster relief (34-50-0104-453-A):		
Budget Authority	1,251,488	17,521
Outlays	41,440	580
National insurance development fund (34-50-4235-451-A):		
401(C) Authority	220	3
Outlays	220	3
Federal Labor Relations Authority		
Salaries and expenses (34-60-0100-805-A):		
Budget Authority	18,226	255
Outlays	15,190	213
Federal Maritime Commission		
Salaries and expenses (34-65-0100-403-A):		
Budget Authority	14,124	198
Outlays	12,758	179
Federal Mediation and Conciliation Service		
Salaries and expenses (34-70-0100-505-A):		
Budget Authority	26,931	377
Outlays	24,472	343
Federal Mine Safety and Health Review Commission		
Salaries and expenses (34-75-2800-554-A):		
Budget Authority	4,205	59
Outlays	3,901	55
Federal Trade Commission		
Salaries and expenses (34-85-0100-376-A):		
Budget Authority	68,869	964
Outlays	67,491	945
Franklin Delano Roosevelt Memorial Commission		
Salaries and expenses (34-90-0700-808-A):		
Budget Authority	29	0
Outlays	29	0
Harry S Truman Scholarship Foundation		
Harry S Truman memorial scholarship trust fund (35-10-8296-502-A):		
Obligation limitation	3,061	43
Outlays	3,053	43
Institute of American Indian and Alaska Native Iopment		
Salaries and expenses (35-25-2900-502-A):		
Budget Authority	3,205	45
Outlays	3,205	45

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Institute of Museum Services		
Institute of Museum Services (35-30-0300-503-A):		
Budget Authority	23,074	323
Outlays	5,969	84
Intelligence Community Staff		
Intelligence community staff (35-35-0400-054-A):		
Budget Authority	24,554	368
Outlays	15,953	239
Interagency Council on the Homeless		
Interagency Council on the Homeless (35-40-1300-604-A):		
Budget Authority	1,143	16
Outlays	594	8
International Cultural and Trade Center Commission		
Intl Cultural and Trade Center Commission: Salaries and (35-50-1800-804-A):		
Budget Authority	864	12
Outlays	648	9
International Trade Commission		
Salaries and expenses (35-60-0100-153-A):		
Budget Authority	37,371	523
Outlays	33,380	467
Interstate Commerce Commission		
Salaries and expenses (35-70-0100-401-A):		
Budget Authority	44,833	628
Outlays	40,349	565
Interstate Commission on the Potomac River Basin		
Contribution to Interstate Commission on the Potomac Rl (35-80-0446-304-A):		
Budget Authority	300	4
Outlays	300	4
James Madison Memorial Fellowship Foundation		
James Madison Memorial Fellowship Trust Fund (36-10-8282-502-A):		
Obligation limitation	500	7
Outlays	500	7
Japan-United States Friendship Commission		
Japan-United States friendship trust fund (36-15-8025-154-A):		
Budget Authority	1,473	21
Outlays	1,348	19
Legal Services Corporation		
Payment to the Legal Services Corporation (36-50-0501-752-A):		
Budget Authority	319,663	4,475
Outlays	278,426	3,898
Marine Mammal Commission		
Salaries and expenses (36-70-2200-302-A):		
Budget Authority	996	14
Outlays	816	11

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Merit Systems Protection Board		
Salaries and expenses (36-80-0100-805-A):		
Budget Authority	21,226	297
Outlays	19,137	268
Office of the Special Counsel (36-80-0101-805-A):		
Budget Authority	5,190	73
Outlays	4,267	60
National Archives and Records Administration		
Operating expenses (37-15-0300-804-A):		
Budget Authority	126,583	1,772
Outlays	98,481	1,379
National archives trust fund (37-15-8436-804-A):		
401(C) Authority—		
Off. Coll.	10,555	148
National Capital Planning Commission		
Salaries and expenses (37-20-2500-451-A):		
Budget Authority	3,079	43
Outlays	2,832	40
National Commission on Libraries and Info. Science		
Salaries and expenses (37-40-2700-503-A):		
Budget Authority	770	11
Outlays	616	9
White House conference on library and information servi (37-40-2701-503-A):		
Budget Authority	1,815	25
Outlays	598	8
National Commission on Migrant Education		
Natl Commission on Migrant Education: Salaries and Exp (37-45-0600-501-A):		
Budget Authority	2,048	29
Outlays	163	2
Nat Comm on Responsibilities for Financing PS Ed		
Natl Comm. on Responsibilities for Financing P.S. Educ (37-50-0400-502-A):		
Budget Authority	818	11
Outlays	772	11
National Commission to Prevent Infant Mortality		
National Commission to Prevent Infant Mortality (37-90-1500-808-A):		
Budget Authority	675	9
Outlays	544	8
National Council on Disability		
Salaries and expenses (38-05-3500-506-A):		
Budget Authority	1,204	17
Outlays	922	13
National Economic Commission, Salaries & Expenses		
National Economic Commission, Salaries and Expenses (38-20-2100-802-A):		
Budget Authority	728	10
Outlays	728	10

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
National Endowment for the Arts		
National Endowment for the Arts: Grants and administrat (38-25-0100-503-A):		
Budget Authority.....	174,450	2,442
Outlays.....	58,397	818

National Endowment for the Humanities

National Endowment for the Humanities: Grants and admin (38-30-0200-503-A):		
Budget Authority.....	158,560	2,220
Outlays.....	69,737	976

National Labor Relations Board

Salaries and expenses (38-40-0100-505-A):		
Budget Authority.....	142,465	1,995
Outlays.....	133,935	1,875

National Mediation Board

Salaries and expenses (38-45-2400-505-A):		
Budget Authority.....	6,729	94
Outlays.....	5,161	72

National Science Foundation

Research and related activities (38-50-0100-251-A):		
Budget Authority.....	1,679,104	23,507
Outlays.....	836,065	11,705

Science and engineering education activities (38-50-0108-251-A):		
Budget Authority.....	177,156	2,480
Outlays.....	26,647	373

U.S. Antarctic program (38-50-0200-251-A):		
Budget Authority.....	135,718	1,900
Outlays.....	67,095	939

National Transportation Safety Board

Salaries and expenses (38-60-0310-407-A):		
Budget Authority.....	26,361	369
Outlays.....	24,610	345

Navajo and Hopi Indian Relocation Commission

Navajo and Hopi Indian Relocation Commission (38-70-1100-808-A):		
Budget Authority.....	28,318	396
Outlays.....	17,838	250

Neighborhood Reinvestment Corporation

Payment to the Neighborhood Reinvestment Corporation (38-75-1300-451-A):		
Budget Authority.....	20,196	283
Outlays.....	20,196	283

Nuclear Regulatory Commission

Salaries and expenses (38-85-0200-276-A):		
Budget Authority.....	442,100	6,189
Outlays.....	331,575	4,642

Office of the Inspector General (38-85-0300-276-A):		
Budget Authority.....	2,900	41
Outlays.....	2,500	35

Nuclear Waste Technical Review Board

Nuclear Waste Technical Review Board: Salaries and Expe (38-95-0500-271-A):		
Budget Authority.....	2,000	28
Outlays.....	2,000	28

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Occupational Safety and Health Review Commission		
Salaries and expenses (39-10-2100-554-A):		
Budget Authority.....	6,099	85
Outlays.....	5,596	78

Office of the Nuclear Waste Negotiator

Office of the Nuclear Waste Negotiator: S and E (39-25-0070-271-A):		
Budget Authority.....	2,000	28
Outlays.....	2,000	28

Pennsylvania Avenue Development Corporation

Salaries and expenses (39-50-0100-451-A):		
Budget Authority.....	2,425	34
Outlays.....	1,964	27

Public development (39-50-0102-451-A):		
Budget Authority.....	3,289	46
Outlays.....	2,467	35

Land acquisition and development fund (39-50-4084-451-A):		
401(C) Authority—		
Off. Coll.	3,000	42
Outlays.....	3,000	42

Payment to the Postal Service

Payment to the Postal Service fund (39-60-1001-372-A):		
Budget Authority.....	452,128	6,330
Outlays.....	452,128	6,330

Payment to the Postal Service fund for nonfunded liab (39-60-1004-372-A):		
Budget Authority.....	36,942	517

Postal Service (39-60-4020-372-A):		
Obligation limitation.....	1,097,124	15,360
Outlays.....	1,075,182	15,053

Railroad Retirement Board

Railroad social security equivalent benefit account (40-10-8010-601-A):		
Obligation limitation.....	28,383	397
Outlays.....	28,383	397

Rail Industry Pension Fund (40-10-8011-601-A):		
Obligation limitation.....	33,937	475
Outlays.....	33,937	475

Supplemental Annuity Pension Fund (40-10-8012-601-A):		
401(C) Authority.....	114,908	1,609
Obligation limitation.....	2,275	32
Outlays.....	58,527	819

Securities and Exchange Commission

Salaries and expenses (40-30-0100-376-A):		
Budget Authority.....	148,161	2,074
Outlays.....	129,533	1,813

Selective Service System

Salaries and expenses (40-45-0400-054-A):		
Budget Authority.....	27,316	410
Outlays.....	22,412	336

Smithsonian Institution

Salaries and expenses (40-55-0100-503-A):		
Budget Authority.....	219,565	3,074
Outlays.....	194,736	2,726

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Construction and improvements, National Zoological Park (40-55-0129-503-A):		
Budget Authority.....	5,496	77
Outlays.....	2,473	35

Repair and restoration of buildings (40-55-0132-503-A):		
Budget Authority.....	21,481	301
Outlays.....	8,592	120

Construction (40-55-0133-503-A):		
Budget Authority.....	8,967	126
Outlays.....	3,587	50

Salaries and expenses, National Gallery of Art (40-55-0200-503-A):		
Budget Authority.....	39,474	553
Outlays.....	34,685	486

Repair, restoration and renovation of buildings (40-55-0201-503-A):		
Budget Authority.....	776	11
Outlays.....	452	6

Salaries and expenses, Woodrow Wilson International Cen (40-55-0400-503-A):		
Budget Authority.....	4,401	62
Outlays.....	2,725	38

Payment to the endowment challenge fund (40-55-0401-503-A):		
Budget Authority.....	311	4
Outlays.....	155	2

Endowment challenge fund (40-55-8188-503-A):		
401(C) Authority.....	270	4
Outlays.....	270	4

Canal Zone biological area fund (40-55-8190-503-A):		
401(C) Authority.....	150	2
Outlays.....	150	2

State Justice Institute

State Justice Institute (40-65-0052-752-A):		
Budget Authority.....	11,379	159
Outlays.....	3,607	50

Susquehanna River Basin Commission

Salaries and expenses (40-70-0500-301-A):		
Budget Authority.....	200	3
Outlays.....	188	3

Contribution to Susquehanna River Basin Commission (40-70-0501-301-A):		
Budget Authority.....	276	4
Outlays.....	276	4

Tennessee Valley Authority

TVA fund (Energy supply) (40-80-4110-271-A):		
401(C) Authority—		
Off. Coll.	73,500	1,029
Outlays.....	73,500	1,029

TVA fund (Area and regional development) (40-80-4110-452-A):		
Budget Authority.....	121,000	1,694
Obligation limitation.....	1,508	21
Outlays.....	29,767	417

United States Holocaust Memorial Council

Holocaust Memorial Council (41-05-3300-808-A):		
Budget Authority.....	2,330	33
Outlays.....	1,843	26

United States Information Agency

Salaries and expenses (41-10-0201-154-A):		
Budget Authority.....	644,127	9,016
Outlays.....	523,079	7,323

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
East West Center (41-10-0202-154-A):		
Budget Authority	20,720	290
Outlays	20,720	290
Radio construction (41-10-0204-154-A):		
Budget Authority	67,340	943
Outlays	37,859	530
Radio broadcasting to Cuba (41-10-0208-154-A):		
Budget Authority	11,613	163
Outlays	9,058	127
Educational and cultural exchange program (41-10-0209-154-A):		
Budget Authority	155,441	2,176
Outlays	79,275	1,110
National Endowment for Democracy (41-10-0210-154-A):		
Budget Authority	16,369	229
Outlays	7,693	108

G-R-H Sequester Amounts—Continued

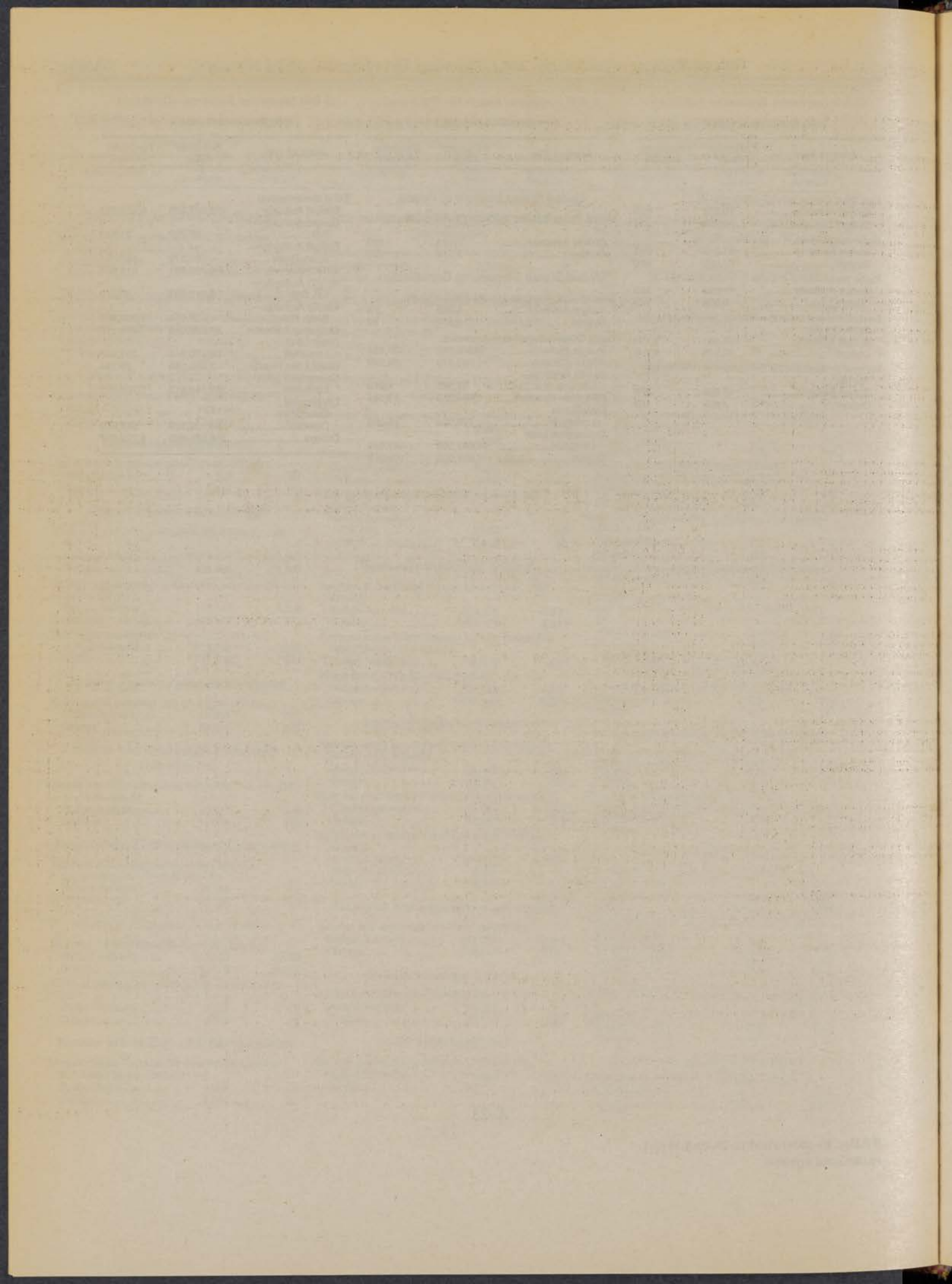
(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
United States Institute of Peace		
United States Institute of Peace (41-15-1300-153-A):		
Budget Authority	7,174	100
Outlays	7,174	100
United States Sentencing Commission		
Salaries and expenses (41-30-0938-752-A):		
Budget Authority	5,383	75
Outlays	4,977	70
Total, Other Independent Agencies:		
Budget Authority	9,316,134	130,484
401(C) Authority	1,067,770	14,949
401(C) Authority—		
Off. Coll.	87,065	1,219
Obligation limitation	1,224,359	17,141
Direct Loan		
Limitation	720,020	10,080
Guaranteed Loan		
Limitation	10,567,200	147,941
Outlays	7,807,993	109,356

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Total Government:		
Budget Authority	472,602,989	6,925,037
Budget Authority—		
ASI	60,792	21,642
Budget Authority—		
Spec. Rules	286,079	184,757
401(C) Authority	36,780,561	514,924
401(C) Authority—		
Off. Coll.	3,519,880	49,279
401(C) Authority—		
Spec. Rules	1,526,966	1,068,878
Obligation limitation	26,865,012	376,110
Direct Loan		
Limitation	20,850,344	291,906
Direct Loan Floor	2,053,158	28,744
Guaranteed Loan		
Limitation	269,146,613	3,768,053
Unobligated		
Balances—		
Defense	39,199,189	587,989
Outlays	308,585,076	5,722,887



Federal Register

**Thursday
December 28, 1989**

Part V

The President

**New Final Order of December 27, 1989—
Emergency Deficit Control Measures for
Fiscal Year 1990**

December 28, 1952

Part V

The President

New York Order of December 27, 1952
Emergency Relief Control Measures
Final Year 1952

Presidential Documents

New Final Order of December 27, 1989

Emergency Deficit Control Measures for Fiscal Year 1990

By the authority vested in me as President by the statutes of the United States of America, including section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119) (hereafter referred to as "the Act"), and section 11002 of the Omnibus Reconciliation Act of 1989 (Public Law 101-239) ("OBRA"), I hereby order that the following actions be taken to implement the sequestrations and reductions determined by the Director of the Office of Management and Budget as set forth in his report dated December 27, 1989, under section 251 of the Act and section 11002 of the OBRA:

(1) Each automatic spending increase that would, but for the provisions of the Act, take effect during fiscal year 1990 is permanently sequestered or reduced as provided in section 252 of the Act and section 11002 of OBRA.

(2) The following are sequestered as provided in section 252 of the Act and section 11002 of OBRA: new budget authority; unobligated balances; new loan guarantee commitments or limitations; new direct loan obligations, commitments, or limitations; spending authority as defined in section 401(c)(2) of the Congressional Budget Act of 1974, as amended; and obligation limitations.

(3) For accounts making payments otherwise required by substantive law, the head of each department or agency is directed to modify the calculation of each such payment to the extent necessary to reduce the estimate of total required payments for the fiscal year by the amount specified by the Director of the Office of Management and Budget in his report of December 27, 1989.

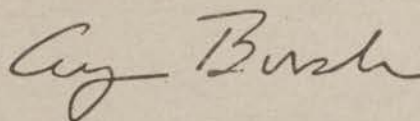
(4) For accounts making commitments for guaranteed loans or obligations for direct loans as authorized by substantive law, the head of each department or agency is directed to reduce the level of such commitments or obligations to the extent necessary to conform to the limitations established by the Act and by OBRA and specified by the Director of the Office of Management and Budget in his report of December 27, 1989.

All reductions and sequestrations shall be made in strict accordance with the specifications of the December 27th report of the Director of the Office of Management and Budget and the requirements of section 252(b) of the Act and section 11002 of OBRA.

This order shall be deemed to have become effective on October 16, 1989, as provided in section 11002 of OBRA.

This order shall be published Federal Register.

THE WHITE HOUSE,
December 27, 1989.



Presidential Commission

Report of the Commission

Executive Order 12812

By the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby order that the Commission on the Causes of the Vietnam War be established.

The Commission shall be composed of the following members: [List of names]

The Commission shall report to me within six months of the date of its establishment.

I hereby certify that this Order is in accordance with the law.

Richard M. Nixon

By the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby order that the Commission on the Causes of the Vietnam War be established.

The Commission shall be composed of the following members: [List of names]

The Commission shall report to me within six months of the date of its establishment.

I hereby certify that this Order is in accordance with the law.

Richard M. Nixon

President Reagan's Federal Register

**Thursday
December 28, 1989**

Part VI

The President

**Executive Order 12698—Adjustments of
Certain Rates of Pay and Allowances**

December 28, 1902

Part VI

The President

Executive Order 12858 - Appointment of

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Presidential Documents

Executive Order 12698 of December 23, 1989

Adjustments of Certain Rates of Pay and Allowances

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 619 of Public Law 101-136, section 601 of Public Law 101-189, sections 702 and 1101 of Public Law 101-194, and section 11002(a)(3) of Public Law 101-239, it is hereby ordered as follows:

Section 1. *Statutory Pay Systems.* The rates of basic pay or salaries of the following statutory pay systems are set forth on the schedules attached hereto and made a part hereof:

- (a) The General Schedule (5 U.S.C. 5332(a)) at Schedules 1-A and 1-B;
- (b) The Foreign Service Schedule (22 U.S.C. 3963) at Schedule 2; and
- (c) The schedules for the Veterans Health Services and Research Administration of the Department of Veterans Affairs (38 U.S.C. 4107) at Schedules 3-A and 3-B.

Sec. 2. *Senior Executive Service.* Pursuant to section 5382 of title 5, United States Code, the rates of basic pay for members of the Senior Executive Service are set forth on Schedule 4 attached hereto and made a part hereof.

Sec. 3. *Executive Salaries.* The rates of pay or salaries for the following offices and positions are set forth on the schedules attached hereto and made a part hereof:

- (a) The Executive Schedule (5 U.S.C. 5312-5316) at Schedules 5-A and 5-B;
- (b) The Vice President (3 U.S.C. 104) and Congress (2 U.S.C. 31) at Schedules 6-A and 6-B; and
- (c) Justices and judges (28 U.S.C. 5, 44(d), 135, and 252) at Schedules 7-A and 7-B.

Sec. 4. *Uniformed Services.* Pursuant to section 601 of Public Law 101-189, the rates of monthly basic pay (37 U.S.C. 203(a)), the rates of basic allowances for subsistence (37 U.S.C. 402), and the rates of basic allowances for quarters (37 U.S.C. 403(a)) for members of the uniformed services are set forth at Schedules 8-A and 8-B attached hereto and made a part hereof.

Sec. 5. *Effective Dates.* (a) The rates of monthly basic pay and allowances for subsistence and quarters for members of the uniformed services provided for at Schedule 8-A are effective on January 1, 1990. The rates of basic pay or salaries provided for at Schedules 1-A, 2, 3-A, 4, 5-A, 6-A, and 7-A are effective on the first day of the first applicable pay period beginning on or after January 1, 1990.

(b) Pursuant to sections 702 and 1101 of Public Law 101-194 and section 11002(a)(3) of Public Law 101-239, the rates of monthly basic pay and allowances for subsistence and quarters for members of the uniformed services provided for at Schedule 8-B shall supersede the rates provided for at Schedule 8-A on February 1, 1990, and the rates of basic pay or salaries provided for at Schedules 1-B, 3-B, 5-B, 6-B, and 7-B shall supersede the rates of basic pay or salaries provided for at Schedules 1-A, 3-A, 5-A, 6-A, and 7-A, respectively, effective on the first day of the first applicable pay period beginning on or after January 31, 1990.

Sec. 6. Executive Order No. 12663 of January 6, 1989, is superseded.

George H. W. Bush

THE WHITE HOUSE,
December 23, 1989.

Billing code 3195-01-M

SCHEDULE 1-A--GENERAL SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 1990)

	1	2	3	4	5	6	7	8	9	10
GS-1	\$10,581	\$10,935	\$11,286	\$11,637	\$11,990	\$12,197	\$12,544	\$12,893	\$12,910	\$13,232
2	11,897	12,180	12,574	12,910	13,053	13,437	13,821	14,205	14,589	14,973
3	12,982	13,415	13,848	14,281	14,714	15,147	15,580	16,013	16,446	16,879
4	14,573	15,059	15,545	16,031	16,517	17,003	17,489	17,975	18,461	18,947
5	16,305	16,849	17,393	17,937	18,481	19,025	19,569	20,113	20,657	21,201
6	18,174	18,780	19,386	19,992	20,598	21,204	21,810	22,416	23,022	23,628
7	20,195	20,868	21,541	22,214	22,887	23,560	24,233	24,906	25,579	26,252
8	22,367	23,113	23,859	24,605	25,351	26,097	26,843	27,589	28,335	29,081
9	24,705	25,529	26,353	27,177	28,001	28,825	29,649	30,473	31,297	32,121
10	27,206	28,113	29,020	29,927	30,834	31,741	32,648	33,555	34,462	35,369
11	29,891	30,887	31,883	32,879	33,875	34,871	35,867	36,863	37,859	38,855
12	35,825	37,019	38,213	39,407	40,601	41,795	42,989	44,183	45,377	46,571
13	42,601	44,021	45,441	46,861	48,281	49,701	51,121	52,541	53,961	55,381
14	50,342	52,020	53,698	55,376	57,054	58,732	60,410	62,088	63,766	65,444
15	59,216	61,190	63,164	65,138	67,112	69,086	71,060	73,034	75,008	76,982
16	69,451	71,766	74,081	76,396	78,190	79,438*	81,708*	83,978*	85,470*	
17	79,762*	82,420*	85,078*	85,470*	85,500*					
18.	86,682*									

* The rate of basic pay payable to employees at these rates is limited to the rate for level V of the Executive Schedule, which is \$78,200.

SCHEDULE 1-B--GENERAL SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 31, 1990)

	1	2	3	4	5	6	7	8	9	10
GS-1	\$10,581	\$10,935	\$11,286	\$11,637	\$11,990	\$12,197	\$12,544	\$12,893	\$12,910	\$13,232
2	11,897	12,180	12,574	12,910	13,053	13,437	13,821	14,205	14,589	14,973
3	12,982	13,415	13,848	14,281	14,714	15,147	15,580	16,013	16,446	16,879
4	14,573	15,059	15,545	16,031	16,517	17,003	17,489	17,975	18,461	18,947
5	16,305	16,849	17,393	17,937	18,481	19,025	19,569	20,113	20,657	21,201
6	18,174	18,780	19,386	19,992	20,598	21,204	21,810	22,416	23,022	23,628
7	20,195	20,868	21,541	22,214	22,887	23,560	24,233	24,906	25,579	26,252
8	22,367	23,113	23,859	24,605	25,351	26,097	26,843	27,589	28,335	29,081
9	24,705	25,529	26,353	27,177	28,001	28,825	29,649	30,473	31,297	32,121
10	27,206	28,113	29,020	29,927	30,834	31,741	32,648	33,555	34,462	35,369
11	29,891	30,887	31,883	32,879	33,875	34,871	35,867	36,863	37,859	38,855
12	35,825	37,019	38,213	39,407	40,601	41,795	42,989	44,183	45,377	46,571
13	42,601	44,021	45,441	46,861	48,281	49,701	51,121	52,541	53,961	55,381
14	50,342	52,020	53,698	55,376	57,054	58,732	60,410	62,088	63,766	65,444
15	59,216	61,190	63,164	65,138	67,112	69,086	71,060	73,034	75,008	76,982
16	69,451	71,766	74,081	76,396	78,190	79,440*	81,710*	83,981*	86,251*	
17	79,762*	82,421*	85,080*	87,739*	90,398*					
18	93,484*									

* The rate of basic pay payable to employees at these rates is limited to the rate for level V of the Executive Schedule, which is \$78,200.

SCHEDULE 2--FOREIGN SERVICE SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 1990)

Step	Class 1	Class 2	Class 3	Class 4	Class 5	Class 6	Class 7	Class 8	Class 9
1	\$59,216	\$47,983	\$38,881	\$31,505	\$25,529	\$22,822	\$20,402	\$18,239	\$16,305
2	60,992	49,422	40,047	32,450	26,295	23,507	21,014	18,786	16,794
3	62,822	50,905	41,249	33,424	27,084	24,212	21,644	19,350	17,298
4	64,707	52,432	42,486	34,426	27,896	24,938	22,294	19,930	17,817
5	66,648	54,005	43,761	35,459	28,733	25,686	22,963	20,528	18,351
6	68,648	55,625	45,074	36,523	29,595	26,457	23,652	21,144	18,902
7	70,707	57,294	46,426	37,619	30,483	27,251	24,361	21,778	19,469
8	72,828	59,013	47,819	38,747	31,397	28,068	25,092	22,432	20,053
9	75,013	60,783	49,253	39,910	32,339	28,910	25,845	23,105	20,655
10	76,982	62,607	50,731	41,107	33,310	29,778	26,620	23,798	21,274
11	76,982	64,485	52,253	42,340	34,309	30,671	27,419	24,512	21,913
12	76,982	66,420	53,820	43,610	35,338	31,591	28,241	25,247	22,570
13	76,982	68,412	55,435	44,919	36,398	32,539	29,088	26,004	23,247
14	76,982	70,465	57,098	46,266	37,490	33,515	29,961	26,785	23,944

**SCHEDULE 3-A—VETERANS HEALTH SERVICES AND RESEARCH ADMINISTRATION SCHEDULES
DEPARTMENT OF VETERANS AFFAIRS**

(Effective on the first day of the first applicable pay period beginning
on or after January 1, 1990)

Section 4103 Schedule

	1	2	3	4	5	6	7	8	9
Deputy Chief Medical Director	\$93,248**								
Associate Deputy Chief Medical Director	89,314*								
Assistant Chief Medical Director	86,682*								
Medical Director	79,762*	\$80,718*	\$81,675*	\$82,631*	\$83,587*	\$84,544*	\$85,500*		
Director of Nursing Service	79,762*	80,718*	81,675*	82,631*	83,587*	84,544*	85,500*		
Director of Podiatric Service	69,451	71,766	74,081	76,396	78,190	79,438*	81,708*	\$83,978*	\$85,470*
Director of Chaplain Service	69,451	71,766	74,081	76,396	78,190	79,438*	81,708*	83,978*	85,470*
Director of Pharmacy Service	69,451	71,766	74,081	76,396	78,190	79,438*	81,708*	83,978*	85,470*
Director of Dietetic Service	69,451	71,766	74,081	76,396	78,190	79,438*	81,708*	83,978*	85,470*
Director of Optometric Service	69,451	71,766	74,081	76,396	78,190	79,438*	81,708*	83,978*	85,470*

** The rate of basic pay payable to this employee is limited to the rate for level IV of the Executive Schedule, which is \$83,600.

* The rate of basic pay payable to employees at these rates is limited to the rate for level V of the Executive Schedule, which is \$78,200.

SCHEDULE 3-A (Continued)

Physician and Dentist Schedule

	1	2	3	4	5	6	7	8	9	10
Director Grade	\$69,451	\$71,766	\$74,081	\$76,396	\$78,190	\$79,438*	\$81,708*	\$83,978*	\$85,470*	
Executive Grade	64,129	66,267	68,405	70,543	72,681	74,819	76,957	78,190	79,635*	\$81,731*
Chief Grade	59,216	61,190	63,164	65,138	67,112	69,086	71,060	73,034	75,008	76,982
Senior Grade	50,342	52,020	53,698	55,376	57,054	58,732	60,410	62,088	63,766	65,444
Intermediate Grade	42,601	44,021	45,441	46,861	48,281	49,701	51,121	52,541	53,961	55,381
Full Grade	35,825	37,019	38,213	39,407	40,601	41,795	42,989	44,183	45,377	46,571
Associate Grade	29,891	30,887	31,883	32,879	33,875	34,871	35,867	36,863	37,859	38,855

Clinical Podiatrist and Optometrist Schedule

	1	2	3	4	5	6	7	8	9	10
Chief Grade	\$59,216	\$61,190	\$63,164	\$65,138	\$67,112	\$69,086	\$71,060	\$73,034	\$75,008	\$76,982
Senior Grade	50,342	52,020	53,698	55,376	57,054	58,732	60,410	62,088	63,766	65,444
Intermediate Grade	42,601	44,021	45,441	46,861	48,281	49,701	51,121	52,541	53,961	55,381
Full Grade	35,825	37,019	38,213	39,407	40,601	41,795	42,989	44,183	45,377	46,571
Associate Grade	29,891	30,887	31,883	32,879	33,875	34,871	35,867	36,863	37,859	38,855

Nurse Schedule

	1	2	3	4	5	6	7	8	9	10
Director Grade	\$59,216	\$61,190	\$63,164	\$65,138	\$67,112	\$69,086	\$71,060	\$73,034	\$75,008	\$76,982
Assistant Director Grade	50,342	52,020	53,698	55,376	57,054	58,732	60,410	62,088	63,766	65,444
Chief Grade	42,601	44,021	45,441	46,861	48,281	49,701	51,121	52,541	53,961	55,381
Senior Grade	35,825	37,019	38,213	39,407	40,601	41,795	42,989	44,183	45,377	46,571
Intermediate Grade	29,891	30,887	31,883	32,879	33,875	34,871	35,867	36,863	37,859	38,855
Full Grade	24,705	25,529	26,353	27,177	28,001	28,825	29,649	30,473	31,297	32,121
Associate Grade	21,259	21,968	22,677	23,386	24,095	24,804	25,513	26,222	26,931	27,640
Junior Grade	18,174	18,780	19,386	19,992	20,598	21,204	21,810	22,416	23,022	23,628

* The rate of basic pay payable to employees at these rates is limited to the rate for level V of the Executive Schedule, which is \$78,200.

SCHEDULE 3-B--VETERANS HEALTH SERVICES AND RESEARCH ADMINISTRATION SCHEDULES
DEPARTMENT OF VETERANS AFFAIRS

(Effective on the first day of the first applicable pay period beginning
on or after January 31, 1990)

Section 4103 Schedule

	1	2	3	4	5	6	7	8	9
Deputy Chief Medical Director	\$100,566**								
Associate Deputy Chief Medical Director	96,323*								
Assistant Chief Medical Director	93,484*								
Medical Director	79,762*	\$81,535*	\$83,307*	\$85,080*	\$86,853*	\$88,625*	\$90,398*		
Director of Nursing Service	79,762*	81,535*	83,307*	85,080*	86,853*	88,625*	90,398*		
Director of Podiatric Service	69,451	71,766	74,081	76,396	78,190	79,440*	81,710*	\$83,981*	\$86,251*
Director of Chaplain Service	69,451	71,766	74,081	76,396	78,190	79,440*	81,710*	83,981*	86,251*
Director of Pharmacy Service	69,451	71,766	74,081	76,396	78,190	79,440*	81,710*	83,981*	86,251*
Director of Dietetic Service	69,451	71,766	74,081	76,396	78,190	79,440*	81,710*	83,981*	86,251*
Director of Optometric Service	69,451	71,766	74,081	76,396	78,190	79,440*	81,710*	83,981*	86,251*

** The rate of basic pay payable to this employee is limited to the rate for level IV of the Executive Schedule, which is \$83,600.

* The rate of basic pay payable to employees at these rates is limited to the rate for level V of the Executive Schedule, which is \$78,200.

SCHEDULE 3-B (Continued)

Physician and Dentist Schedule

	1	2	3	4	5	6	7	8	9	10
Director Grade	\$69,451	\$71,766	\$74,081	\$76,396	\$78,190	\$79,440*	\$81,710*	\$83,981*	\$86,251*	
Executive Grade	64,129	66,267	68,405	70,543	72,681	74,819	76,957	78,190	79,635*	\$81,731*
Chief Grade	59,216	61,190	63,164	65,138	67,112	69,086	71,060	73,034	75,008	76,982
Senior Grade	50,342	52,020	53,698	55,376	57,054	58,732	60,410	62,088	63,766	65,444
Intermediate Grade	42,601	44,021	45,441	46,861	48,281	49,701	51,121	52,541	53,961	55,381
Full Grade	35,825	37,019	38,213	39,407	40,601	41,795	42,989	44,183	45,377	46,571
Associate Grade	29,891	30,887	31,883	32,879	33,875	34,871	35,867	36,863	37,859	38,855

Clinical Podiatrist and Optometrist Schedule

	1	2	3	4	5	6	7	8	9	10
Chief Grade	\$59,216	\$61,190	\$63,164	\$65,138	\$67,112	\$69,086	\$71,060	\$73,034	\$75,008	\$76,982
Senior Grade	50,342	52,020	53,698	55,376	57,054	58,732	60,410	62,088	63,766	65,444
Intermediate Grade	42,601	44,021	45,441	46,861	48,281	49,701	51,121	52,541	53,961	55,381
Full Grade	35,825	37,019	38,213	39,407	40,601	41,795	42,989	44,183	45,377	46,571
Associate Grade	29,891	30,887	31,883	32,879	33,875	34,871	35,867	36,863	37,859	38,855

Nurse Schedule

	1	2	3	4	5	6	7	8	9	10
Director Grade	\$59,216	\$61,190	\$63,164	\$65,138	\$67,112	\$69,086	\$71,060	\$73,034	\$75,008	\$76,982
Assistant Director Grade	50,342	52,020	53,698	55,376	57,054	58,732	60,410	62,088	63,766	65,444
Chief Grade	42,601	44,021	45,441	46,861	48,281	49,701	51,121	52,541	53,961	55,381
Senior Grade	35,825	37,019	38,213	39,407	40,601	41,795	42,989	44,183	45,377	46,571
Intermediate Grade	29,891	30,887	31,883	32,879	33,875	34,871	35,867	36,863	37,859	38,855
Full Grade	24,705	25,529	26,353	27,177	28,001	28,825	29,649	30,473	31,297	32,121
Associate Grade	21,259	21,968	22,677	23,386	24,095	24,804	25,513	26,222	26,931	27,640
Junior Grade	18,174	18,780	19,386	19,992	20,598	21,204	21,810	22,416	23,022	23,628

* The rate of basic pay payable to employees at these rates is limited to the rate for level V of the Executive Schedule, which is \$78,200.

SCHEDULE 4--SENIOR EXECUTIVE SERVICE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 1990)

ES-1	.....	\$71,200
ES-2	.....	74,400
ES-3	.....	77,600
ES-4	.....	79,200
ES-5	.....	81,400
ES-6	.....	83,600

SCHEDULE 5-A--EXECUTIVE SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 1990)

level I	.....	\$99,500
level II	.....	89,500
level III	.....	85,500
level IV	.....	83,600
level V	.....	78,200

SCHEDULE 5-B--EXECUTIVE SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 31, 1990)

level I	.....	\$107,300
level II	.....	96,600
level III	.....	89,000
level IV	.....	83,600
level V	.....	78,200

SCHEDULE 6-A--VICE PRESIDENT AND MEMBERS OF CONGRESS

(Effective on the first day of the first applicable pay period beginning on or after January 1, 1990)

Vice President	\$115,000
Senators	89,500
Members of the House of Representatives	89,500
Delegates to the House of Representatives	89,500
Resident Commissioner from Puerto Rico	89,500
President pro tempore of the Senate	99,500
Majority leader and minority leader of the Senate	99,500
Majority leader and minority leader of the House of Representatives	99,500
Speaker of the House of Representatives	115,000

SCHEDULE 6-B--VICE PRESIDENT AND MEMBERS OF CONGRESS

(Effective on the first day of the first applicable pay period beginning on or after January 31, 1990)

Vice President	\$124,000
Senators	98,400
Members of the House of Representatives	96,600
Delegates to the House of Representatives	96,600
Resident Commissioner from Puerto Rico	96,600
President pro tempore of the Senate	109,500
Majority leader and minority leader of the Senate	109,500
Majority leader and minority leader of the House of Representatives	107,300
Speaker of the House of Representatives	124,000

SCHEDULE 7-A--JUDICIAL SALARIES

(Effective on the first day of the first applicable pay period beginning on or after January 1, 1990)

Chief Justice of the United States	\$115,000
Associate Justices of the Supreme Court	110,000
Circuit Judges	95,000
District Judges	89,500
Judges of the Court of International Trade	89,500
Judges of the United States Claims Court	89,500

SCHEDULE 7-B--JUDICIAL SALARIES

(Effective on the first day of the first applicable pay period beginning on or after January 31, 1990)

Chief Justice of the United States	\$124,000
Associate Justices of the Supreme Court	118,600
Circuit Judges	102,500
District Judges	96,600
Judges of the Court of International Trade	96,600
Judges of the United States Claims Court	96,600

SCHEDULE 8-A—PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

(Effective on January 1, 1990)

PART I—MONTHLY BASIC PAY

YEARS OF SERVICE (COMPUTED UNDER 37 U.S.C. 205)

PAY GRADE	2 or less	COMMISSIONED OFFICERS														Over 26
		Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22			
O-10**	\$5916.30	\$6124.50	\$6124.50	\$6124.50	\$6124.50	\$6359.40	\$6359.40	\$6711.90*	\$6711.90*	\$7122.60*	\$7122.60*	\$7125.00*	\$7125.00*	\$7558.50*		
O-9	5243.40	5380.80	5495.40	5495.40	5495.40	5635.20	5635.20	5869.80	5869.80	6359.40	6359.40	6711.90*	6711.90*	7122.60*		
O-8	4749.30	4891.50	5007.60	5007.60	5007.60	5380.80	5380.80	5635.20	5635.20	5869.80	6124.50	6359.40	6359.40	6516.00		
O-7	3946.20	4214.40	4214.40	4214.40	4214.40	4403.40	4403.40	4658.70	4658.70	4891.50	5380.80	5751.00	5751.00	5751.00		
O-6	2925.00	3213.60	3424.20	3424.20	3424.20	3424.20	3424.20	3424.20	3540.30	4100.10	4309.50	4403.40	4403.40	4658.70		
O-5	2339.10	2746.80	2936.70	2936.70	2936.70	2936.70	3025.50	3188.10	3402.00	3656.70	3866.40	3983.40	3983.40	4122.60		
O-4	1971.90	2401.20	2561.40	2561.40	2608.80	2724.00	2909.70	3073.20	3213.60	3354.60	3447.30	3447.30	3447.30	3447.30		
O-3***	1832.40	2048.70	2190.30	2423.40	2539.20	2630.40	2772.60	2909.70	2981.40	2981.40	2981.40	2981.40	2981.40	2981.40		
O-2***	1597.80	1745.10	2096.40	2166.90	2212.20	2212.20	2212.20	2212.20	2212.20	2212.20	2212.20	2212.20	2212.20	2212.20		
O-1***	1387.20	1444.20	1745.10	1745.10	1745.10	1745.10	1745.10	1745.10	1745.10	1745.10	1745.10	1745.10	1745.10	1745.10		

COMMISSIONED OFFICERS WITH OVER 4 YEARS' ACTIVE DUTY
AS AN ENLISTED MEMBER OR WARRANT OFFICER

O-3	-	-	-	\$2423.40	\$2539.20	\$2630.40	\$2772.60	\$2909.70	\$3025.50	\$3025.50	\$3025.50	\$3025.50	\$3025.50
O-2	-	-	-	2166.90	2212.20	2282.10	2401.20	2493.00	2561.40	2561.40	2561.40	2561.40	2561.40
O-1	-	-	-	1745.10	1864.20	1932.90	2002.80	2072.70	2166.90	2166.90	2166.90	2166.90	2166.90

* Basic pay is limited to the rate of basic pay for level V of the Executive Schedule, which is \$6,516.60 per month.

** While serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, basic pay for this grade is \$8,340.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

*** Does not apply to commissioned officers who have been cred'ed with over 4 years' active service as an enlisted member or warrant officer.

SCHEDULE 8-A—PAY AND ALLOWANCES OF THE UNIFORMED SERVICES (PAGE 2)

YEARS OF SERVICE (COMPUTED UNDER 37 U.S.C. 205)

PAY GRADE	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
WARRANT OFFICERS														
W-4	\$1866.90	\$2002.80	\$2002.80	\$2048.70	\$2141.70	\$2236.20	\$2330.10	\$2493.00	\$2608.80	\$2700.30	\$2772.60	\$2862.30	\$2958.00	\$3188.10
W-3	1696.80	1840.50	1840.50	1864.20	1885.80	2023.80	2141.70	2212.20	2282.10	2350.20	2423.40	2517.60	2608.80	2700.30
W-2	1485.90	1607.70	1607.70	1654.80	1745.10	1840.50	1910.40	1980.30	2048.70	2120.70	2190.30	2259.30	2350.20	2350.20
W-1	1238.10	1419.60	1419.60	1538.10	1607.70	1677.00	1745.10	1817.10	1885.80	1956.30	2023.80	2096.40	2096.40	2096.40
ENLISTED MEMBERS														
E-9*	-	-	-	-	-	-	-	-	-	-	-	-	-	-
E-8	-	-	-	-	-	\$1821.30	1873.20	1922.70	\$2271.00	\$2322.90	\$2374.80	\$2421.00	\$2548.20	\$2796.00
E-7	\$1271.40	\$1372.50	\$1423.50	\$1473.30	\$1523.40	1572.00	1622.40	1672.80	1748.70	1798.20	2071.20	2122.20	2246.70	2496.90
E-6	1094.10	1192.20	1242.00	1294.80	1343.10	1391.70	1443.00	1517.40	1564.80	1615.50	1640.10	1640.10	1640.10	1640.10
E-5	960.00	1044.90	1095.60	1143.30	1218.30	1268.10	1318.50	1366.80	1391.70	1391.70	1391.70	1391.70	1391.70	1391.70
E-4	895.50	945.60	1001.10	1078.80	1121.40	1121.40	1121.40	1121.40	1121.40	1121.40	1121.40	1121.40	1121.40	1121.40
E-3	843.60	889.80	925.50	962.10	962.10	962.10	962.10	962.10	962.10	962.10	962.10	962.10	962.10	962.10
E-2	811.80	811.80	811.80	811.80	811.80	811.80	811.80	811.80	811.80	811.80	811.80	811.80	811.80	811.80
E-1**	724.20	724.20	724.20	724.20	724.20	724.20	724.20	724.20	724.20	724.20	724.20	724.20	724.20	724.20
E-1***	669.60	-	-	-	-	-	-	-	-	-	-	-	-	-

* While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy or Coast Guard, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is \$3,398.70, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

** Applies to personnel who have served 4 months or more on active duty.

*** Applies to personnel who have served less than 4 months on active duty.

SCHEDULE 8-A--PAY AND ALLOWANCES OF THE UNIFORMED SERVICES (PAGE 3)

PART II--BASIC ALLOWANCE FOR QUARTERS RATES

PAY GRADE	Without dependents		With dependents
	Full rate*	Partial rate**	
COMMISSIONED OFFICERS			
O-10	\$635.40	\$50.70	\$781.80
O-9	635.40	50.70	781.80
O-8	635.40	50.70	781.80
O-7	635.40	50.70	781.80
O-6	582.90	39.60	704.40
O-5	561.30	33.00	678.60
O-4	520.20	26.70	598.50
O-3	417.00	22.20	495.30
O-2	330.90	17.70	422.70
O-1	278.40	13.20	377.70
COMMISSIONED OFFICERS WITH OVER 4 YEARS' ACTIVE DUTY AS AN ENLISTED MEMBER OR WARRANT OFFICER			
O-3	\$450.00	\$22.20	\$531.90
O-2	382.80	17.70	480.00
O-1	329.10	13.20	443.40
WARRANT OFFICERS			
W-4	\$469.50	\$25.20	\$529.50
W-3	394.50	20.70	485.40
W-2	350.10	15.90	446.40
W-1	293.40	13.80	386.10
ENLISTED MEMBERS			
E-9	\$385.50	\$18.60	\$508.20
E-8	354.30	15.30	468.30
E-7	302.40	12.00	435.30
E-6	273.60	9.90	402.00
E-5	252.30	8.70	361.50
E-4	219.60	8.10	314.40
E-3	215.70	7.80	292.50
E-2	175.20	7.20	278.40
E-1	155.70	6.90	278.40

* Payment of the full rate of basic allowance for quarters at these rates to members of the uniformed services without dependents is authorized by title 37, United States Code, and Part IV of Executive Order 11157, as amended.

** Payment of the partial rate of basic allowance for quarters at these rates to members of the uniformed services without dependents who, under 37 U.S.C. 403(b) or 403(c), are not entitled to the full rate of basic allowance for quarters, is authorized by 37 U.S.C. 1009(c)(2) and Part IV of Executive Order 11157, as amended.

SCHEDULE 8-A--PAY AND ALLOWANCES OF THE UNIFORMED SERVICES (PAGE 4)

PART III--BASJC ALLOWANCE FOR SUBSISTENCE RATES

Officers (per month) \$123.92

Enlisted Members (per day):

	<u>E-1 (less than 4 months' active duty)</u>	<u>All Other Enlisted</u>
When on leave or authorized to mess separately	\$5.46	\$5.91
When rations in-kind are not available	6.16	6.67
When assigned to duty under emergency conditions where no messing facilities of the United States are available	8.17	8.84

Part IV--RATE OF MONTHLY CADET OR MIDSHIPMAN PAY

The rate of monthly cadet or midshipman pay authorized by section 203(c)(1) of title 37, United States Code, is \$543.90.

SCHEDULE 8-B—PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

(Effective on February 1, 1990)

PART I—MONTHLY BASIC PAY

YEARS OF SERVICE (COMPUTED UNDER 37 U.S.C. 205)

PAY GRADE	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
O-10**	\$5916.30	\$6124.50	\$6124.50	\$6124.50	\$6124.50	\$6359.40	\$6359.40	\$6711.90*	\$6711.90*	\$7191.90*	\$7191.90*	\$7673.40*	\$7673.40*	\$8151.60*
O-9	5243.40	5380.80	5495.40	5495.40	5495.40	5635.20	5635.20	5869.80	5869.80	6359.40	6359.40	6711.90*	6711.90*	7191.99*
O-8	4749.30	4891.50	5007.60	5007.60	5007.60	5380.80	5380.80	5635.20	5635.20	5869.80	6124.50	6359.40	6516.00	6516.00
O-7	3946.20	4214.40	4214.40	4214.40	4403.40	4403.40	4658.70	4658.70	4891.50	5380.80	5751.00	5751.00	5751.00	5751.00
O-6	2925.00	3213.60	3424.20	3424.20	3424.20	3424.20	3424.20	3424.20	3540.30	4100.10	4309.50	4403.40	4658.70	5052.60
O-5	2339.10	2746.80	2936.70	2936.70	2936.70	2936.70	3025.50	3188.10	3402.00	3656.70	3866.40	3983.40	4122.60	4122.60
O-4	1971.90	2401.20	2561.40	2561.40	2608.80	2724.36	2909.70	3073.20	3213.60	3354.60	3447.30	3447.30	3447.30	3447.30
O-3***	1832.40	2048.70	2190.30	2423.40	2539.20	2630.40	2772.60	2909.70	2981.40	2981.40	2981.40	2981.40	2981.40	2981.40
O-2***	1597.80	1745.10	2096.40	2166.90	2212.20	2212.20	2212.20	2212.20	2212.20	2212.20	2212.20	2212.20	2212.20	2212.20
O-1***	1387.20	1444.20	1745.10	1745.10	1745.10	1745.10	1745.10	1745.10	1745.10	1745.10	1745.10	1745.10	1745.10	1745.10

COMMISSIONED OFFICERS

COMMISSIONED OFFICERS WITH OVER 4 YEARS' ACTIVE DUTY
AS AN ENLISTED MEMBER OR WARRANT OFFICER

O-3	-	-	-	\$2423.40	\$2539.20	\$2630.40	\$2772.60	\$2909.70	\$3025.50	\$3025.50	\$3025.50	\$3025.50	\$3025.50	\$3025.50
O-2	-	-	-	2166.90	2212.20	2282.10	2401.20	2493.00	2561.40	2561.40	2561.40	2561.40	2561.40	2561.40
O-1	-	-	-	1745.10	1864.20	1932.90	2002.80	2072.70	2166.90	2166.90	2166.90	2166.90	2166.90	2166.90

* Basic pay is limited to the rate of basic pay for level V of the Executive Schedule, which is \$6,516.60 per month.

** While serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, basic pay for this grade is \$8,994.60*, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

*** Does not apply to commissioned officers who have been credited with over 4 years' active service as an enlisted member or warrant officer.

SCHEDULE 8-B--PAY AND ALLOWANCES OF THE UNIFORMED SERVICES (PAGE 2)

YEARS OF SERVICE (COMPUTED UNDER 37 U.S.C. 205)

PAY GRADE	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
WARRANT OFFICERS														
W-4	\$1866.90	\$2002.80	\$2002.80	\$2048.70	\$2141.70	\$2236.20	\$2330.10	\$2433.00	\$2608.80	\$2700.30	\$2772.60	\$2862.30	\$2958.00	\$3188.10
W-3	1896.80	1840.50	1840.50	1864.20	1885.80	2033.80	2141.70	2212.20	2282.10	2350.20	2423.40	2517.60	2608.80	2700.30
W-2	1485.90	1607.70	1607.70	1654.80	1745.10	1840.50	1910.40	1980.30	2048.70	2120.70	2190.30	2259.30	2350.20	2350.20
W-1	1238.10	1419.60	1419.60	1538.10	1607.70	1677.00	1745.10	1817.10	1885.80	1956.30	2023.80	2096.40	2096.40	2096.40
ENLISTED MEMBERS														
E-9*	-	-	-	-	-	-	-	-	-	-	-	-	-	-
E-8	-	-	-	-	-	\$1821.30	1873.20	1922.70	1972.50	2024.70	2071.20	2122.20	2246.70	2496.90
E-7	\$1271.40	\$1372.50	\$1423.50	\$1473.30	\$1523.40	1572.00	1622.40	1672.80	1748.70	1798.20	1848.30	1872.30	1998.00	2246.70
E-6	1094.10	1192.20	1242.00	1294.80	1343.10	1391.70	1443.00	1517.40	1564.80	1615.50	1640.10	1640.10	1640.10	1640.10
E-5	960.00	1044.90	1095.60	1143.30	1218.30	1268.10	1318.50	1366.80	1391.70	1391.70	1391.70	1391.70	1391.70	1391.70
E-4	895.50	945.60	1001.10	1078.80	1121.40	1121.40	1121.40	1121.40	1121.40	1121.40	1121.40	1121.40	1121.40	1121.40
E-3	843.60	889.80	925.50	962.10	962.10	962.10	962.10	962.10	962.10	962.10	962.10	962.10	962.10	962.10
E-2	811.80	811.80	811.80	811.80	811.80	811.80	811.80	811.80	811.80	811.80	811.80	811.80	811.80	811.80
E-1**	724.20	724.20	724.20	724.20	724.20	724.20	724.20	724.20	724.20	724.20	724.20	724.20	724.20	724.20
E-1***	669.60	-	-	-	-	-	-	-	-	-	-	-	-	-

* While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy or Coast Guard, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is \$3,398.70, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

** Applies to personnel who have served 4 months or more on active duty.

*** Applies to personnel who have served less than 4 months on active duty.

SCHEDULE 8-B--PAY AND ALLOWANCES OF THE UNIFORMED SERVICES (PAGE 3)

PART II--BASIC ALLOWANCE FOR QUARTERS RATES

PAY GRADE	Without dependents Full rate*	Partial rate**	With dependents
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COMMISSIONED OFFICERS

O-10	\$635.40	\$50.70	\$781.80
O-9	635.40	50.70	781.80
O-8	635.40	50.70	781.80
O-7	635.40	50.70	781.80
O-6	582.90	39.60	704.40
O-5	561.30	33.00	678.60
O-4	520.20	26.70	598.50
O-3	417.00	22.20	495.30
O-2	330.90	17.70	422.70
O-1	278.40	13.20	377.70

COMMISSIONED OFFICERS WITH OVER 4 YEARS' ACTIVE DUTY AS AN ENLISTED MEMBER OR WARRANT OFFICER

O-3	\$450.00	\$22.20	\$531.90
O-2	382.80	17.70	480.00
O-1	329.10	13.20	443.40

WARRANT OFFICERS

W-4	\$469.50	\$25.20	\$529.50
W-3	394.50	20.70	485.40
W-2	350.10	15.90	446.40
W-1	293.40	13.80	386.10

ENLISTED MEMBERS

E-9	\$385.50	\$18.60	\$508.20
E-8	354.30	15.30	468.30
E-7	302.40	12.00	435.30
E-6	273.60	9.90	402.00
E-5	252.30	8.70	361.50
E-4	219.60	8.10	314.40
E-3	215.70	7.80	292.50
E-2	175.20	7.20	278.40
E-1	155.70	6.90	278.40

* Payment of the full rate of basic allowance for quarters at these rates to members of the uniformed services without dependents is authorized by title 37, United States Code, and Part IV of Executive Order 11157, as amended.

** Payment of the partial rate of basic allowance for quarters at these rates to members of the uniformed services without dependents who, under 37 U.S.C. 403(b) or 403(c), are not entitled to the full rate of basic allowance for quarters, is authorized by 37 U.S.C. 1009(c)(2) and Part IV of Executive Order 11157, as amended.

SCHEDULE 8-B--PAY AND ALLOWANCES OF THE UNIFORMED SERVICES (PAGE 4)

PART III--BASIC ALLOWANCE FOR SUBSISTENCE RATES

Officers (per month) \$123.92

Enlisted Members (per day):

	<u>E-1 (less than 4 months' active duty)</u>	<u>All Other Enlisted</u>
When on leave or authorized to mess separately	\$5.46	\$5.91
When rations in-kind are not available	6.16	6.67
When assigned to duty under emergency conditions where no messing facilities of the United States are available	8.17	8.84

Part IV--RATE OF MONTHLY CADET OR MIDSHIPMAN PAY

The rate of monthly cadet or midshipman pay authorized by section 203(c)(1) of title 37, United States Code, is \$543.90.

[FR Doc. 89-30300

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